

LABOURERS (IRELAND) ACTS.

RETURN to an Order of the Honourable The House of Commons,
dated 12th March, 1906;—*for*

A RETURN giving (1) two or more examples of Reports of inspectors of the Local Government Board in respect of local inquiries held in the years 1904 and 1905; (2) two or more examples of Reports taken by the official note-takers of the proceedings on petitions under the Acts to the Privy Council.

(*Mr. O'Shea*).

Ordered, by THE HOUSE OF COMMONS, to be Printed,
20th April, 1906.



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1906.

LABOURERS (IRELAND) ACTS.

A RETURN in respect of the Labourers (Ireland) Acts giving (1) two or more examples of Reports of Inspectors of the Local Government Board in respect of Local Inquiries held in the years 1904 and 1905.

EXAMPLE No. I.

REPORT ON AN INQUIRY held under the LABOURERS (IRELAND) ACTS in the Rural District of LISTOWEL, in August, 1904.

LISTOWEL RURAL DISTRICT.

LABOURERS (IRELAND) ACTS.

REPORT OF LOCAL INQUIRY.

Dublin, November 28th, 1904.

To the Local Government Board, Ireland.

GENTLEMEN,

I have the honour to report that, in accordance with your directions, I have held a local inquiry regarding the petition received from the Listowel Rural District Council praying for a Provisional Order to confirm an Improvement Scheme made by the Council under the Labourers (Ireland) Acts.

The inquiry was opened on Tuesday, 23rd August, and occupied eight days, after which I inspected such sites as the evidence seemed to fairly justify the acquisition of, and so many of the houses, proved to be unfit, as were reasonably accessible.

The delay in furnishing report has been occasioned by my difficulty in getting the transcript of evidence, which only reached me this morning.

Mr. M. J. Byrne, Solicitor, represented the District Council, and Messrs. Gendos, Moran, Marshall, Downing, and Wiedle, Solicitors, appeared on behalf of different interests affected by the Scheme.

Mr. Michael O'Connell, Clerk of the Union and District Council, gave evidence as to the making of the Scheme, and also furnished the necessary data to enable me to form an estimate of, and report on, the financial bearing of the operation of the Labourers Acts in the rural district.

From the Clerk's evidence it would appear that the valuation of the rural district is £54,726; that the number of cottages already occupied is 806, and that the discharge to Board of Works for year ended 31st March in respect of loans for these cottages was £1,833 2s. 8d., equivalent to a rate of 7·4 pence in the pound.

7·4 pence, however, is only a nominal or gross rate on foot of loans under the Labourers Acts. The actual burden is considerably less, as, against the outgoing of £1,833 2s. 8d. in respect of loans and £301 8s. 8d. in respect of repairs, there is a substantial "set-off" of £430 14s. 7d. from rent, and £1,276 3s. 6d. from "Exchange Contribution"; so that, disregarding cost of collection, the net charge on the rates in the past year was only £137 15s. 3d., or about nine shillings per cottage, a figure which compares not unfavourably with the financial bearing of the Acts in other rural districts, having in view particularly the fact that all the loans in the Listowel District have been obtained on a 35 year period.

No objection was made on any side on the ground of excessive taxation, and the farmers generally seemed to be fully alive to the importance of attaching good labourers to the locality, and to the direct and indirect advantages of providing them with plots and sanitary houses.

This was manifest in many ways. The large proportion of "consents" was very striking, and, where there was opposition, it was seldom unreasonable, and still more rarely bitter, unless where the circumstances were aggravated by some personal "score spot" of long standing.

But, while recognising the very active interest in the success of the Scheme, shown during the Inquiry by the District Council, and while much impressed by the very able and intelligent evidence of some of the members who appeared to support individual applications, I feel it a matter for regret that the Council, as a whole, did not, in many instances, show more public spirit in the equitable selection of sites.

So far as I have been able to judge, the Council in no case went outside the particular occupier suggested by the representation—a suggestion emanating nearly always with the labourer, and, while doubtless satisfactory enough from his standpoint, frequently showing want of judgment and disregard of other interests affected by the proposal.

The formal approval by the Council of a representation suggesting the acquisition of a site on a nine-acre holding, which had been secured by an occupier as "a bit for tillage" in exchange for another field elsewhere; the placing of an application of the particular labourer on an occupier to whom it is well known locally as an obnoxious; the proposal to acquire four sites on an accommodation holding of six acres; and instances in other divisions where sites have been marked on comparatively small holdings, while farms of a larger area are not called upon for a discharge of their responsibilities, all incline one to think that, though the "Representation" has advantages which make its suppression undesirable, a Scheme, made independently of it, would, locally at all events, more effectively place direct responsibility for its making on the District Council.

The Listowel Council is of course responsible for the Scheme as made—and as a whole it is satisfactory and equitable enough—but here and there, as in the instances referred to, it was open to serious objection, through the action of the Council in entering on the line of least resistance, and approving and endorsing the suggestion of the labourer, without due consideration of the hardship and inconvenience which its adoption was likely to inflict on individual occupiers.

As one of the District Councillors stated in his evidence:—"there was no 'paper' in for the larger farmer, and we left all the cases to you." A position such as this is always to be regretted, leading, as it nearly always does, to the disappointment of the labourer, and putting on the Inspector, holding the Inquiry, a responsibility which may well be avoided by a little more public spirit on the part of the Council, who should take the District as a whole, and—when they deemed it just—ignoring the "suggestion" of the representation, "select" sites on holdings where their acquisition would cause only the minimum of hardship or inconvenience to the occupier of the land.

A general survey of the Listowel District at once suggested the great good effected by the 300 houses already occupied, and the very creditable progress which this Council has made towards giving the labouring population a chance of clean and healthy homes.

But I regret to have to state that my observation of the way in which a not inconsiderable proportion of the cottages already built in the District are kept has left on my mind anything but a pleasing impression, and the chance which they afforded, and even seemed to invite, of making an attractive and tidy "home" for the occupants, has been sadly neglected.

Here and there I have come across some very gratifying exceptions—houses and plots which are all that could be desired—but the general impression was far from satisfactory, and I could not help feeling that, so far as the Labourers Acts were intended to raise a large proportion of our population from the untidiness and disorder of the old mud hovels, their operation in the Listowel Rural District has not been a marked success.

At the same time—and I think it only fair to the district to state this—there is in connection with most of the tenants of cottages unmistakable evidence of progress, and industry. The majority of the labourers have a cow or two on grass, and I seldom met a plot without a substantial hay-rick or two as winter feeding for cattle. Whether this tends to make the labourer as a labourer more useful to the district is a matter of opinion, but it is significant and satisfactory so far as it indicates the advance made in the direction of thrift and comfort.

Under the present Scheme the Council have petitioned for an additional loan of £55,035, which it has been proposed to apply as under:—

	£
(a.) Purchase of land for new cottages and allotments,	8,450
(b.) Purchase of land for additional allotments,	1,045
(c.) Building new houses,	24,640
(d.) Repairing existing houses,	60
(e.) Engineering and other expenses,	560

This loan, if granted in its entirety, would involve an additional rate of about 7d. in the £, a tax which, taken in conjunction with the 7d pence already levied, would exceed the limit imposed by Section 17 of the Act of 1883.

In view, however, of the number of cases which I have disallowed, and the "set-off" of Rent and Exchequer Contribution, the Council will still, I think, have a margin available for a further Improvement Scheme. Having made an exhaustive inspection of the whole district, I would most strongly urge on the Council that any small margin which may still be left at their disposal should be specially applied to the amelioration of the housing conditions of the labourers in Ballylongford, Tintern, and some smaller towns or villages within the area of which they are the Sanitary Authority.

Much indeed a great deal—has been already done in the purely rural divisions, and though here and there the old mud hovel, the miserable log cabin, and the small wretched sod house, are still

painfully in evidence, it is to be hoped that most of these will totally disappear when the present Scheme becomes operative, and that the Council will then be free to devote themselves more particularly to the removal of the very black spots which menace the health of some of the villages.

I have met a very large number of unfit houses in different parts of Ireland, but with the exception of two dwellings in the Skibbereen Union, I have never been confronted with houses so wretched and unsanitary as some I met in the village of Ballylongford and Tarbert.

Any attempt to describe the wretchedness of the so-called house occupied by Michael Curmery and his family in the street of Ballylongford, would be futile; and I found Thomas Donovan's family in Tarbert occupying as a sleeping apartment a boarded room which covered a kind of cess-pool—one or two of the boards being removable to allow a bucket to be passed through for the haling out of the water.

These were the most striking cases I was brought face to face with, but there were many others little less glaring, and it is the painful impression which they have made that urges me to press on the Council the desirability, and, indeed, the necessity of taking special account of the wants of village labourers in any future Improvement Scheme which they may be able to make.

In connection with the loan of £35,085, applied for under the present Scheme, the intention of the Council, according to the evidence of the Clerk, was to provide 325 new cottages; to repair six existing houses; to attach acre plots to twenty isolated dwellings, to acquire seventy-one additional allotments for existing district cottages, and to provide thirty-seven acre plots for labourers living in villages.

Owing to legal difficulties, the desire of the Council to avail themselves of the different Schedules under which an Improvement Scheme might be made had to be abandoned, and, with two exceptions, the Scheme reduced itself to a proposal for the building of 325 new cottages, and the acquiring of seventy additional allotments for existing district cottages.

The owner of a suitable house in the Kilskenney Electoral Division is willing to allow the Council to acquire it as well as the usual quantity of land, but all the other cases where it was proposed to attach an acre plot to an isolated dwelling not proposed to be acquired by the Sanitary Authority were precluded by Section 16 of the Act 1855.

Similarly, Section 12 of the Act of 1856 debarrd that part of the Scheme which proposed the acquisition of 37 acres for allotment among labourers living in towns and villages, as "all reasonable efforts had not been bona fide made, and failed, to obtain the amount of land required by agreement or exchange."

Thanks, however, to the kindness of Mr. J. D. Crosbie, and to his desire to improve the condition of the labourers, consent was given at the Inquiry to the Council's acquisition of five acres for the use of labourers in the village of Ballylongford. This action of Mr. Crosbie should be keenly appreciated by the labourers and by the Council as he had simply to signify his dissent, and this part of the Scheme would be abortive in connection with Ballylongford, as it was in connection with the other villages.

In Enclosures I. and II., which I send herewith, I have set forth in detail the cases "recommended" and "not recommended," together with reasons which have in each case determined my judgment.

The Council will, I think, be very fairly satisfied with the result of the Inquiry, though undoubtedly some deserving cases have been disallowed, owing to the occasional iniquitable selection of sites.

I think it only due to the officials—the Clerk and the Engineer—to say that their duties in regard to the Scheme were admirably and accurately discharged, and that they rendered me very willing and very valuable assistance.

I send herewith the documents sent me with my letter of instructions, Enclosures I. and II., and shorthand writer's transcript of evidence.

BALLYDOUFF ELECTORAL DIVISION.

Number Proposed—Contees, 9; Additional Allotments, 2.

Number Recommended—Contees, 4; Additional Allotments, 1.

Roller's Number for Additional Allotment (A.A.)	Ward Number (W.N.)	Proposed	Owner.	Compensation.	Effect of Site.			Witnesses in Support of Refusal.		Witnesses Against Refusal.		Remarks.
					Approach.	Value.	Stability.	Name.	Rank in List of Refusers.	Name.	Rank in List of Refusers.	
26	5	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
27	10	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
28	10	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
29	10	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
30	10	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland

BALLYDOUFF ELECTORAL DIVISION.

Number Proposed—Contees, 9; Additional Allotments, 1.

Number Recommended—Contees, 6.

Roller's Number for Additional Allotment (A.A.)	Ward Number (W.N.)	Proposed	Owner.	Compensation.	Effect of Site.			Witnesses in Support of Refusal.		Witnesses Against Refusal.		Remarks.
					Approach.	Value.	Stability.	Name.	Rank in List of Refusers.	Name.	Rank in List of Refusers.	
41	9	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
42	9	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
43	9	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
44	9	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
45	9	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
46	9	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland
47	9	0	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland	Malpasland

BALLYGAN ELECTORAL DIVISION.

Number Proposed—Cottages, 1.

80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	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CAUSEWAY ELECTORAL DIVISION.

Number Proposed—Cottages, 3; Additional Allotments, 1.

Whether Cottage or Additional Allotment (A.A.)	Townland.	Owner.	Approach.	Barren or Sown		Witnesses in support of Survey.		Witnesses against Survey.		Result in Proposed Case.
				Water.	Grass.	Base.	Days in support of Survey.	Name.	Days in support of Survey.	
12 15	O	Donohue, Wm.	Set opposite to the main road, but the right of way is not yet defined.	Satisfactory.	Satisfactory.	John Philbert.	16	—	—	Non-votary established. Occupier objects.
13 15	A.A.	Do.	Therapy O'Connell.	Satisfactory.	Satisfactory.	John O'Connell, M. Rother, D.O.	15	—	—	The applicant is rather old, but he has a son who is very useful in the garden, and his present plot is very well used and the out-look clear and dry.

DROMMARTIN ELECTORAL DIVISION.

Number Proposed—Cottages, 3; Additional Allotments, 1.

Whether Cottage or Additional Allotment (A.A.)	Townland.	Owner.	Approach.	Barren or Sown		Witnesses in support of Survey.		Witnesses against Survey.		Result in Proposed Case.
				Water.	Grass.	Base.	Days in support of Survey.	Name.	Days in support of Survey.	
14 15	O	Donohue, W. & J. O'Connell.	Satisfactory.	Satisfactory.	Satisfactory.	John Philbert.	16	—	—	Non-votary established. Occupier objects.

DUAGH ELECTORAL DIVISION.

Number Proposed—Cottages, 7; Additional Allotments, 5; Additional Allotments, 2.

Whether Cottage or Additional Allotment (A.A.)	Townland.	Owner.	Approach.	Barren or Sown		Witnesses in support of Survey.		Witnesses against Survey.		Result in Proposed Case.
				Water.	Grass.	Base.	Days in support of Survey.	Name.	Days in support of Survey.	
15 15	O	Donohue, John.	Satisfactory.	Satisfactory.	Satisfactory.	John Philbert.	16	—	—	Non-votary established. Occupier objects.
16 15	O	Donohue, John.	Satisfactory.	Satisfactory.	Satisfactory.	John Philbert.	16	—	—	Non-votary established. Occupier objects.
17 15	O	Donohue, John.	Satisfactory.	Satisfactory.	Satisfactory.	John Philbert.	16	—	—	Non-votary established. Occupier objects.
18 15	O	Donohue, John.	Satisfactory.	Satisfactory.	Satisfactory.	John Philbert.	16	—	—	Non-votary established. Occupier objects.
19 15	O	Donohue, John.	Satisfactory.	Satisfactory.	Satisfactory.	John Philbert.	16	—	—	Non-votary established. Occupier objects.
20 15	O	Donohue, John.	Satisfactory.	Satisfactory.	Satisfactory.	John Philbert.	16	—	—	Non-votary established. Occupier objects.

KILMURRY ELECTORAL DIVISION.

Number Recommended—Contingents, 4.

180	4	0	Miss Gibson	W. E. J. Ginn	Thomas O'Connor	Subsidiary	Subsidiary	Subsidiary	12	—	Recently established. Contingent consists.
181	14	10	Fluke	Mrs. T. Thompson	James Lynch	Subsidiary	Subsidiary	Subsidiary	13	—	The same.
182	8	0	Donovan	W. E. J. Ginn	James O'Halloran	Subsidiary	Subsidiary	Subsidiary	14	—	The same.
183	14	0	Donovan	Mrs. R. B. T. Smith	Ed. Barry	Subsidiary	Subsidiary	Subsidiary	15	—	The same.

KILMEANY ELECTORAL DIVISION.

Number Recommended—Contingents, 4; Additional Allotments, 1.

184	17	0	James Best	Lord Delaval	Robert Knox	Subsidiary	Subsidiary	Subsidiary	16	—	Recently established. Contingent consists.
185	17	0	Best	do	Pat O'Connor	Subsidiary	Subsidiary	Subsidiary	17	—	The same.
186	17	0	James Best	do	John Harpur	Subsidiary	Subsidiary	Subsidiary	18	—	The same.
187	11	0	Galbreath	M. V. D. Douglas	Thomas O'Brien	Subsidiary	Subsidiary	Subsidiary	19	—	The same.
188	11	0	do	do	James Deady	Subsidiary	Subsidiary	Subsidiary	20	—	The same.

Number Proposed—Contingents, 13; Additional Allotments, 2.

KILWYMY ELECTORAL DIVISION.

Number Proposed—Contingents, 10.

189	10	0	Alfred Noel	E. H. Henry	Regina Condon	Subsidiary	Subsidiary	Subsidiary	21	—	Recently established. Contingent consists.
190	10	0	Alfred Noel	do	John Walsh	Subsidiary	Subsidiary	Subsidiary	22	—	Contingent proposed. No evidence in opposition.
191	10	0	do	do	Orwell Walsh	Subsidiary	Subsidiary	Subsidiary	23	—	Recently established. Contingent consists.
192	10	0	Alfred Noel	do	J. R. Finnerman	Subsidiary	Subsidiary	Subsidiary	24	—	The same.
193	10	0	McDonagh	John P. Black	Michael O'Connor	Subsidiary	Subsidiary	Subsidiary	25	—	Recently established. Contingent consists.
194	10	0	Alfred Noel	S. H. Henry	John F. Finnerman	Subsidiary	Subsidiary	Subsidiary	26	—	Recently established. Contingent consists.
195	10	0	McDonagh	do	John F. Finnerman	Subsidiary	Subsidiary	Subsidiary	27	—	Recently established. Contingent consists.
196	10	0	McDonagh	do	John F. Finnerman	Subsidiary	Subsidiary	Subsidiary	28	—	Recently established. Contingent consists.
197	10	0	McDonagh	do	John F. Finnerman	Subsidiary	Subsidiary	Subsidiary	29	—	Recently established. Contingent consists.
198	10	0	McDonagh	do	John F. Finnerman	Subsidiary	Subsidiary	Subsidiary	30	—	Recently established. Contingent consists.

LESTOWEL RURAL ELECTORAL DIVISION—continued.

Electorate Members and Opposition Members (1911)	Whether Opposed to the Candidate (1911)	Candidate	Opposed	Opponent	RECORD OF SIZE			VOTERS IN RETURN OF RETURN		Result in Election	Result in Election
					Approach	Vote	Result	Name	Percentage of Voters		
220 14	O	Richardson	M. J. O. Bishop	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
221 21	O	Richardson	M. J. O. Bishop	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
222 21	O	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
223 19	A	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
224 19	A	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
225 19	A	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson

LIXNAW ELECTORAL DIVISION.

Number Proposed—Collings, E., Additional Allotments, 1.

Number Recommended—Collings, E.

226 15	O	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
227 16	O	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
228 16	O	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
229 16	O	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
230 16	O	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson

MOYSESHA ELECTORAL DIVISION.

Number Proposed—Collings, E.

Number Recommended—Collings, E.

231 16	O	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
232 16	O	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson
233 16	O	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson	Richardson

Enclosure (No. 2.)

ARDAUGH ELECTORAL DIVISION.

Number Proposed—Cottages, 11; Additional Allotments, 3; Allotment, 1.

Number not Recommended—Cottages, 2; Additional Allotments, 1; Allotment, 1.

Particulars of Cases not Recommended.

Reference Number and Division Sheet	Whether Cottage (C) or Additional Allotment (A.A.)	Townland	Owner	Occupier	Remarks
2 9	C	Cloone	Charles E. Day	James Harty	Necessity not established.
3 9	C	Arboughter	Do	James Boyle	The applicant has an acre of land.
12 9	A	Cloone	Do	Michael Gidley	House to be acquired (limited), and the proposed plot for some 22 perches side of road. Occupier opposed.
13 9	A.A.	Arbough	Miss Hickson	Margaret Carroll	The District Council offered no evidence.

ASTEE ELECTORAL DIVISION.

Number proposed—Cottages, 8; Additional Allotments, 4; Allotment, 1.

Number not Recommended—Cottages, 2; Allotment, 1.

15 2	C	Astee Park	John Huxley	John Huxley	The existence of a vacant District cottage given compensation has been an important factor in influencing my decision not to recommend the application.
22 2	C	Do.	Robert Cox	Robert Cox	The District Council offered no evidence.
23 2	A & Feb 2	Adco	Court of Chancery	Court of Chancery	The same.

BALLINCLOHER ELECTORAL DIVISION.

Number Proposed—Cottages, 8; Additional Allotments, 1.

Number not Recommended—Cottages, 3; Additional Allotment, 1.

40 21	C	Garrynagore	W. T. J. Bolgan	F. Egan	The District Council offered no evidence.
44 21	C	Ballynahen, W.	Lord Omslowe	Mrs. Galvin	The applicant has a house from Mr. Savage for whom he works on 200 acres, and the cottage has only a holding of 21 acres, some of which are liable to flooding.
45 21	C	Garrynagore	W. T. J. Bolgan	Mrs. Harman	The District Council offered no evidence.
46 21	A.A.	Clonsillaugh	Lord Omslowe	Mrs. Quinlan	Necessity not established.

BALLINCONRY ELECTORAL DIVISION.

Number Proposed—Cottages, 9; Additional Allotments, 2.

Number not Recommended—Cottages, 5; Additional Allotments, 1.

20 10	C	Ballydonohoe	Catherine D. O'Connor	Catherine D. O'Connor	Necessity not established.
21 5	C	Do	James Omslowe	James Omslowe	The same.
22 5	C	Boyle's	Evans, Elms, & Curragh	Evans, Elms, & Curragh	The same.
23 10	C	Toobane	Wm. M. Black	John Coughlin	Necessity largely established, but District Counciler Evans asked to support application considered it rather owing to size of holding.
27 9	C	Keweenaw	do	Edmund Hooper	The licensee is the occupier of half an acre, and also runs a brewery.
28 10	A.A.	Ballyconry	do	Tim O'Connor	The District Council offered no evidence.

BALLYDUFF ELECTORAL DIVISION.

Number Proposed—Cottages, 9; Additional Allotments, 1.

Number not Recommended—Cottages, 3; Additional Allotments, 1.

Reference Number and Ordinance Sheet.	Whether Cottage (C.) or Additional Allotment (A.A.)	Townland	Owner	Occupier	Remarks.	
40	9	C	Ballybonga ..	Mrs. R. Trevelthowan	Ed. Nolan ..	Security not established.
41	9	C	Parvassdam ..	Do. ..	Mary Curry ..	The security was very clearly proved, but it was not sustained from the evidence (though applicant, who is a laborer, gave within the specified duration of an "Apprentice Labourer").
47	9	C	Knapog ..	Do. ..	John Fiero ..	The District Council offered no evidence.
49	9	(A.A.)	Sheepwalk ..	Do. ..	John Nell ..	There was no opposition in this case, but in view of the conditions which I found the cottage I consider it undesirable to recommend the additional allotment.

BALLYHORGAN ELECTORAL DIVISION.

Number Proposed—Cottages, 4; Additional Allotments, 5.

Number not Recommended—Cottages, 1 (to be acquired); Additional Allotments, 1.

54	15	Houses to be acquired.	Knocknacore ..	MI. Senlon ..	MI. Senlon ..	Proposed to acquire (existing) house and acquire adjacent ..
57	16	A.A.	Irishmore ..	Eliza Townsend ..	Fredk. Leitchford ..	The laborer in this case gives all rent for cottage and present plot.

BEAL ELECTORAL DIVISION.

Number Proposed—Cottages, 6; Additional Allotments, 1.

Number not Recommended—Cottages, 6.

57	2	C	Beale Castle ..	Lord Belmore ..	John H. McKee ..	The District Council offered no evidence.
58	2	C	Beale Acres ..	Do. ..	Michael Dwyer ..	The same.
59	2	C	Castleguard ..	Do. ..	Thomas O'Connor ..	The same.
70	2	C	Beale Middle ..	Do. ..	James Connolly ..	Security not established.
71	2	C	Beale Acres ..	Do. ..	Mrs. M. Stok ..	The same.
72	2	C	Castleguard ..	Do. ..	James Lynch ..	The same.

CARRIG ELECTORAL DIVISION.

Number Proposed—Cottages, 4; Additional Allotments, 1; Allotments, 3.

Number not Recommended—Cottages, 1; Additional Allotments, 1; Allotments, 3.

55	2	C	Killick ..	Col. W. S. Hulse ..	Col. W. S. Hulse ..	Representation based on Schedule 1, and applicant's evidence shows that house is good enough if he had security.
56	2	A.A.	Durham ..	Trinity College ..	J. D. Cuthbert ..	Security not established.
59	2	A	Beckons Park ..	do. ..	J. L. Galvin ..	Not for allotment for two laborers. No plan, not been made to get land by agreement or otherwise.
60	2	A	do. ..	do. ..	do. ..	
61	2	A	Abington ..	do. ..	James M. Hume ..	A proposal for a plot to a single house which the Council does not propose to acquire.

CAUSEWAY ELECTORAL DIVISION.

Number Proposed—Cottages, 3; Additional Allotments, 1.

Number not Recommended—Cottages, 2.

53	15	C	Devonshire ..	Isabella Cliver ..	Thos. O'Connor ..	Representation based on Schedule 1, and applicant's evidence shows that house is good enough if he had security.
54	15	C	do. ..	do. ..	Thomas Dwyer ..	The District Council offered no evidence.

DROMMARTIN ELECTORAL DIVISION.

Number Proposed—Cottages, 2; Additional Allotments, 1.

Number not Recommended—Cottage, 1; Additional Allotments, 1.

Reference Number and Original Sketch.	Whether Cottage (C) or Additional Allotment (A.)	Tenanted.	Owner.	Occupier.	Remarks.
87 15	C	Drommartin	Isabella Oliver ..	Mrs E. Galvin ..	Recently not established.
88 9	A.A.	Glendaloch ..	W. T. J. Gann ..	Mrs. W. Whelan ..	Recently not established.

DUAGH ELECTORAL DIVISION.

Number Proposed—Cottages, 7; Additional Allotments, 5; Allotments, 5.

Number not Recommended—Cottages, 4; Additional Allotments, 3; Allotments, 5.

99 17	C	Knockaduff	D. O. Fitzmaurice	John Daly	The District Council offered no evidence.
100 27	C	Knockaduff	Thomas T. Reilly	T. T. Reilly	The same.
91 17	C	Lisroe	D. O. Fitzmaurice	Maurice Sullivan	Recently not established. Applicant is in receipt of out-door relief.
101 17	C	Knockaduff	J. Walsh	J. Walsh	The District Council offered no evidence.
97 17	A.A.	Knockaduff	D. O. Fitzmaurice	Thomas Givvy	Recently not established.
99 17	A.A.	Knockaduff	John Maher	John Maher	The District Council offered no evidence.
100 17	A.A.	Knockaduff	D. O. Fitzmaurice	John Daly	The acquisition of the additional half acre would unduly prejudice the interests of the occupier.
101 17	A	Killeshock	Margaret Galvin	Margaret Galvin	The proposal in this case was to acquire part of the allotment, but no efforts had been made to acquire the land by agreement.
102 17	A	Do	Do	Do	
103 17	A	Knockaduff	D. O. Fitzmaurice	James McCreesh	
104 17	A	Fedamore	Do	Thomas Molloy	
105 17	A	Do	Do	Thomas Curran	

ENNISMORE ELECTORAL DIVISION.

Number Proposed—Cottages, 4; Additional Allotments, 1; Allotments, 3.

Number not Recommended—Cottages, 2; Allotments, 3.

106 18	C	Ennismore	Lord Lister	Lord Rossmore	Recently not established. The evidence showed that this highway has actually subsided, or is in jeopardy for the purchase of 14 acres & made 21 rather than Lord Lister.
107 18	C	Ferry	Do	Thomas Galvin	Site as marked cannot, I think, be regarded as a public road. It is made a gateway leading to a croquet ground.
111 18	A	Do	Do	Do	Based on Schedule A. No efforts had been made to get land by agreement or exchange.
112 18	A	Do	Do	Harold Tracy	
113 18	A	Do	Do	Do	

GULLANE ELECTORAL DIVISION.

Number Proposed—Cottages, 1; Allotments, 2.

Number not Recommended—Cottages, 1; Allotments, 3.

114 1	C	Pala	M. V. B. Douglas	William Byrne	The District Council offered no evidence.
115 2	A	Gullane	W. T. J. Gann	Thomas Baginb	Proposal to acquire a house, but owner opposes.
116 2	A	Do	Do	Mrs M. Shanahan	The District Council offered no evidence.

GUNSBOURGH ELECTORAL DIVISION.

Number Proposed—Cottages, 14.

Number not Recommended—Cottages, 5.

Reference Number and Evidence Sheet	Whether Cottage (C) or Additional Allotment (A & B)	Townland	Owner.	Occupier.	Remarks
129 10	C	Dunm. West	G. F. G. Mahony	G. F. G. Mahony	Necessity not established.
131 10	C	Do.	do.	do.	The District Council offered no evidence.
137 10	C	Do.	do.	do.	Representation based on Schedule I, and applicant has a house.
138 10	C	Irish East	Timothy Foley	Timothy Foley	Necessity not established. The house which he has notified as such is not now in existence.
140 10	C	Do.	G. F. G. Mahony	G. F. G. Mahony	The District Council offered no evidence.

KILFEIGHNY ELECTORAL DIVISION.

Number Proposed—Cottages, 8; Additional Allotments, 2.

Number not Recommended—Cottages, 1.

Reference Number and Evidence Sheet	Whether Cottage (C) or Additional Allotment (A & B)	Townland	Owner.	Occupier.	Remarks
144 21	C	Ballypennell	John J. Quiller	John J. Quiller	The District Council offered no evidence.

KILKEHENNY ELECTORAL DIVISION.

Number Proposed—Cottages, 14; Additional Allotments, 3.

Number not Recommended—Cottages, 9.

Reference Number and Evidence Sheet	Whether Cottage (C) or Additional Allotment (A & B)	Townland	Owner.	Occupier.	Remarks
141 4	C	Ahtrens	Robert Johnson	Robert Johnson	Representation based on Schedule I, and applicant has a house and about an acre of land.
145 4	C	Doon West	W. T. J. Gunn	D. Lynch	Representation based on Schedule I, and applicant has a house.
146 4	C	Do.	do.	James Healy	The site as marked would cause serious inconvenience to the Community of West Linn in adjoining townland. It would also interfere with the watering place of occupier's cattle. The applicant appears to have a house here, at least in part, as a house—representation based on Schedule I.
148 4	C	Quinnabaha	Stephen Prentiss Seavick	David Raftery	The District Council offered no evidence.
149 4	C	Doon E.	W. T. J. Gunn	Michael O'Connor	The evidence left no doubt in my mind that the applicant is the tenant of about an acre of land.
150 4	C	Do.	do.	Timothy Healy	He was married on a nine-acre holding, and the applicant's own evidence went to show that there is no work, as the townland, and that he would rather work on Faha, a considerable distance away.
151 4	C	Dynce	M. J. O. Dene	Miss J. Egan	The applicant is an old man, whom I could not regard as a useful labourer.
152 4	C	Doon West	W. T. J. Gunn	James Healy	The District Council offered no evidence.
154 4	C	Do.	do.	do.	

KILLURRY ELECTORAL DIVISION.

Number Proposed—Cottages, 8; Additional Allotments, 1.

Number not Recommended—Cottages, 4; Additional Allotments, 1.

Reference Number and Evidence Sheet	Whether Cottage (C) or Additional Allotment (A & B)	Townland	Owner.	Occupier.	Remarks
155 16	C	Lisvossing	Alie Shanahan	Marianne Hurly	The District Council offered no evidence.
159 9	C	Meenacahane	W. T. J. Gunn	Bridget Hurly	The applicant is an unmarried labourer who, according to the evidence, farms 1 acre.
161 9	C	Do.	do.	do.	Necessity not established.
162 14 & 15	C	Fahan	Mrs. Shanahan	James Kneek	According to the evidence of Mr. Chahine, J.P. D.C., the labourer holds an acre of land from him.
166 8	A & B	Dynceacahane	W. T. J. Gunn	Thomas Doyle	There was a request in this case to an additional allotment, but I am unable to recommend it as a view of the position in which the house is built. There is a duly assigned right in front of the door.

KILMEANY ELECTORAL DIVISION.

Number Proposed—Cottages, 13; Additional Allotments, 2.

Number not Recommended—Cottages, 9; Additional Allotments, 1.

Reference Number and Occupier (Sheet)	Whether Cottage (C) or Additional Allotment (A.A.)	Townland.	Owner.	Occupier.	Remarks.
167 24	C	Kilmeany	William Moore	William Moore	Necessity not established.
168 12	C	Cobnewrath	M. V. B. Douglas	James Barrett	The same.
169 17	C	Loon, East	Lord Lister	William Stack	The applicant has at present a house and half-an-acre.
171 17	C	Ballymore	Reps. James Dore	Reps. James Dore	Based on Schedule L, and the applicant has a house.
172 27	C	Do	do	do	The District Council offered no evidence.
173 27	C	Do	Patrick O'Connor	Patrick O'Connor	The same.
174 12	C	Do	do	do	The same.
175 12	C	Shroobherna	Lord Lister	David Dillon	The same.
177 17	C	Kilmeany	Patrick O'Connor	Patrick O'Connor	The same.
178 11	A.A.	Shroobherna	Lord Lister	David Dillon	The proposed A.A. would not adjoin the existing plot. Besides, the cottage is very badly kept.

KILSHENANE ELECTORAL DIVISION.

Number Proposed—Cottages, 1; Additional Allotments, 1.

Number not Recommended—Cottages, 1; Additional Allotments, 1.

181 23	C	Ockmashan	E. G. Eiton	E. Knight	The District Council offered no evidence.
182 22	A.A.	Ockmashan	L. D. D. Bayley	Michael Dwyer	Do.

KILTOMY ELECTORAL DIVISION.

Number Proposed—Cottages, 10.

Number not Recommended—Cottages, 3.

186 20	C	Kiltomy	Mr. A. Blackwood	Mr. Maher	Site marked as a holding of 20 acres which comprises gas by continuing this holding in order to have more ground for tilage.
187 16	C	Croughmore	do	Michael Kennedy	The District Council offered no evidence.
188 16	C	Do	do	Michael McAniff	Necessity not established.

LEETRIM ELECTORAL DIVISION.

Number Proposed—Cottages, 3; Additional Allotments, 6.

Number not Recommended—Cottages, 1; Additional Allotments, 3.

189 6	C	Barragheen	M. V. B. Douglas	Don Kennedy	Necessity not established.
190 7	A.A.	Ascarin	do	Richard Stock	Additional allotment on opposite side of road to existing plot.
191 7	A.A.	Do	do	John Barragan	The owner has only 16 acres, and the subdivision was otherwise untenable.
192 6	A.A.	Leetrim	do	Dr. O'Connell	The District Council offered no evidence.

LISLAUGHTIN ELECTORAL DIVISION.

Number Proposed—Cottages, 10; Additional Allotments, 6; Allotments, 12.

Number not Recommended—Cottages, 3; Additional Allotments, 2; Allotments, 6.

Reference Number and Ordinance Book.	Whether Cottage (C) or Additional Allotment (A.A.)	Townland.	Owner.	Occupier.	Reason.	
186	6	C	Lennamore ..	Trinity College ..	John Healy ..	The District Council offered no evidence.
201	8	C	Do. ..	do ..	David Francis ..	Recently not established. The applicant is at present living in a District cottage of which he is actually tenant, though not legally, the tenant.
202	5	C	Ballinane ..	John O'Brien ..	Tim Healy ..	The District Council offered no evidence.
205	2	A	Lennamore ..	Trinity College ..	Arch. Sullivan ..	The same.
209	8	A.A.	Doonbane ..	M. V. B. Douglas ..	John Barrett ..	The same.
218	2	A.A.	Ballinacorney ..	do ..	M. McElwain ..	The same.
222	3	A	Loughgish ..	Trinity College ..	Thomas Ryan ..	The same. (Not for single house not to be sanctioned).
228	2	A	Do. ..	do ..	J. D. Cooke ..	No evidence.
234	2	A	Do. ..	do ..	do ..	No evidence.
235	2	A	Do. ..	do ..	do ..	No evidence.
237	2	A	Do. ..	do ..	do ..	No evidence.

LISSELTON ELECTORAL DIVISION.

Number Proposed—Additional Allotments, 1; Allotments, 2. Number not Recommended—Allotments, 2.

185	2	A	Orford ..	W. T. J. Goss ..	Reps. G. R. Browne ..	Proposed to acquire a detached house with land walls.
225	2	A	Lane ..	M. V. B. Douglas ..	David Gange ..	Withdrawn.

LISTOWEL RURAL ELECTORAL DIVISION.

Number Proposed—Cottages, 22; Additional Allotments, 6; Allotments, 1.

Number not Recommended—Cottages, 10; Additional Allotments, 4; Allotments, 1.

193	18	C	Edinburgh ..	M. J. C. Dwyer ..	Miss Hildes ..	The District Council offered no evidence.
202	13	C	Deven ..	Knights of Kerry ..	Stephen Black ..	The applicant on this case lives within the Urban boundary, and, although he works as an agricultural labourer, the case is so evident that he is at any time liable to be in the Rural District.
215	30	C	Scartleagh ..	Lord Lisnave ..	John Sander ..	Based on Schedule 1, and applicant has previously a house.
229	13	C	Do. ..	do ..	do ..	Recently not established.
235	17	C	Overpauwlands ..	John Keane ..	John Keane ..	The District Council offered no evidence.
236	11	C	Knockane ..	Lord Grathwhite ..	Martha Plann ..	The same.
239	19	C	Scartleagh ..	Lord Lisnave ..	John Sander ..	Recently not established.
242	19	C	Do. ..	do ..	do ..	The District Council offered no evidence.
241	17	C	Overpauwlands ..	John Keane ..	John Keane ..	Recently not established.
243	16	C	Cockshill Upper ..	P. C. Sanders ..	James O'Connell ..	The applicant lives and works in Urban District.
244	16	C	Bedford ..	F. B. Holmes ..	John Donohoe ..	The proposal is to acquire an acre of land for a farm, who possesses a detached house and plot adjacent, but no portion of which is included in the site as marked. There are seven steps in the boundary without any labourer's cottages. I cannot recommend the proposal of the Council, but if it could be arranged with the applicant that the Council should take any half an acre, including the present holding of the applicant, the modification might be sanctioned, as the applicant is living in an urban house.
245	11	A	Deven ..	Reps. G. R. Browne ..	Reps. G. R. Browne ..	Plot for house not to be acquired.
245	20	A.A.	Bedford ..	F. K. Ingram ..	Gerard McElwain ..	Recently not established.
247	13	A.A.	Do. ..	do ..	David Gault ..	The same.
248	18	A.A.	Grange ..	D. Leonard ..	D. Leonard ..	The same.
249	18	A.A.	Cockshill ..	William McElwain ..	William McElwain ..	The same.

LIXNAW ELECTORAL DIVISION.

Number Proposed—Cottages, 5; Additional Allotments, 1.

Number not Recommended—Cottages, 1; Additional Allotments, 1.

Reference Number and Ordinance Sheet.	Whether Cottage (C) or Additional Allotment (A.A.)	Townland.	Owner.	Occupier.	Remarks.
224 15	C	Balfourburgh ..	Lord Listerol ..	Mrs. Saffron ..	Based on Schedule L, and applicant has a lease from Lady Cowper, by which he is constantly employed.
227 15	A.A.	Deerpark ..	Do. ..	John J. Galvin ..	Necessity not established.

MOYNSHA ELECTORAL DIVISION.

Number Proposed—Cottages, 4.

Number not Recommended—Cottages, 1.

Reference Number and Ordinance Sheet.	Whether Cottage (C) or Additional Allotment (A.A.)	Townland.	Owner.	Occupier.	Remarks.
228 17	C	Balfourburgh ..	Lord Listerol ..	Marion O'Connell ..	Necessity not established.

NEWTOWNSANDES ELECTORAL DIVISION.

Number Proposed—Cottages, 11; Additional Allotments, 6; Allotments, 9.

Number not Recommended—Cottages, 7; Additional Allotments, 1; Allotments, 9.

Reference Number and Ordinance Sheet.	Whether Cottage (C) or Additional Allotment (A.A.)	Townland.	Owner.	Occupier.	Remarks.
224 11	C	Gartbarnagowan ..	M. V. B. Douglas ..	John Brodie ..	The District Council offered no evidence.
226 11	C	Kesh ..	T. W. Sander ..	John McInnes ..	The same.
228 8	C	Gartbarnagowan ..	do. ..	William Stock ..	The same.
274 8	C	Marine ..	J. V. W. Fitzgerald ..	Mary Donohue ..	The same.
275 11	C	Gartbarnagowan ..	M. V. B. Douglas ..	John Fitzgerald ..	A very old unmarried man, who was reduced to poverty recently presumably on the same ground.
278 8	C	Gartbarnagowan ..	T. W. Sander ..	William Stock ..	The District Council offered no evidence.
279 8	C	Abelshams ..	J. V. W. Fitzgerald ..	James Kean ..	Necessity not established.
280 11	A	Kesh ..	T. W. Sander ..	John McInnes ..	The District Council offered no evidence.
281 5	A	Moyness ..	T. W. Sander ..	Robert Smith ..	281 to 289. This was an application to acquire a tract for allotments among cottagers living in the village of Newtownsandes, but no satisfactory plan had been made to obtain the land by agreement or exchange.
282 5	A	Do. ..	do. ..	do. ..	
283 5	A	Do. ..	do. ..	do. ..	
284 5	A	Do. ..	do. ..	do. ..	
285 5	A	Do. ..	do. ..	do. ..	
286 5	A	Do. ..	do. ..	do. ..	
287 5	A	Do. ..	do. ..	do. ..	
288 5	A	Do. ..	do. ..	do. ..	
289 5	A	Do. ..	do. ..	do. ..	

RATHEA ELECTORAL DIVISION.

Number Proposed—Cottages, 13; Additional Allotments, 3.

Number not Recommended—Cottages, 2, Additional Allotments, 2.

Reference Number and Cottage Sheet	Whether Cottage (C) or Additional Allotment (A.A.)	Townland	Owner	Occupier	Remarks
190 16	C	Ballydubing ..	Lord Ormskirk ..	Maria Henry ..	Necessity not established. Had a District cottage and left it.
191 16	C	Meatmoor ..	R. G. Gentlemen ..	R. G. Gentlemen ..	Necessity not established.
192 16	A.A.	Ballydubing ..	Lord Ormskirk ..	Thomas Brown ..	The same.
193 16	A.A.	Meatmoor ..	R. G. Gentlemen ..	R. G. Gentlemen ..	The District Council offered no evidence.

SHRONOWEN ELECTORAL DIVISION

Number Proposed—Cottages, 1.

Number not Recommended—Cottages, 1.

206 16	C	Tullane ..	Lord Ormskirk ..	G. Enright ..	Necessity not established.
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TARBERT ELECTORAL DIVISION.

Number Proposed—Cottages, 10; Additional Allotments, 3; Allotments, 2.

Number not Recommended—Cottages, 3; Allotments, 3.

207 1	C	Donard ..	Captain Leslie ..	Mrs. Dillane ..	Necessity not established.
208 1	C	Donard Lower ..	do. ..	Captain Leslie ..	Representation based on Schedule II, and a District Officer declined to say that applicant's present house is small.
209 1	C	Do. ..	do. ..	do. ..	The District Council offered no evidence.
210 1	A	Carthoonaktooley ..	Isaac Fittell ..	Isaac Fittell ..	The same. [Plot for a house not to be acquired.]
211 1	A	Donard Lower ..	Captain Leslie ..	Captain Leslie ..	Treat the allotment, and no satisfactory effort had been made to get the land by agreement.
212 1	A	Do. ..	do. ..	do. ..	

TARMON ELECTORAL DIVISION.

Number Proposed—Cottages, 3; Additional Allotments, 6.

Number not Recommended—Cottages, 1; Additional Allotments, 3.

213 1	C	Tarmone ..	Isaac O'Connor ..	J. O'Connor ..	The District Council offered no evidence.
214 1	A.A.	Tarmone, East ..	Do. ..	Isaac O'Connor ..	The same.
215 1	A.A.	Pullora ..	Reps Rev. M. J. Bridges ..	William Carroll ..	Necessity not established.
216 1	A.A.	Carthoonaktooley ..	Isaac Fittell ..	Isaac Fittell ..	The same. The allotment is this case has some land independent of cottage plot.

TRIENEARAGH ELECTORAL DIVISION.

Number Proposed—Cottages, 4; Additional Allotments, 6.

Number not Recommended—Cottages 2; Additional Allotments, 3.

Reference Number and Ordinance Sheet.	Whether Cottage (C) or Additional Allotment (A.S.)	Townland.	Owner.	Occupier.	Remarks.
389 12	C	Trienearagh ..	F. C. Searles ..	Margaret Searles ..	The District Council offered no evidence.
316 12	C (repealed).	Lacor ..	do. ..	Pat. Donohue ..	Proposal to acquire a house the ownership of which appears to be disputed.
313 11	A.S.	Trienearagh ..	do. ..	Pat. Maher ..	The acquisition of the A.S. in field where marked would cause undue inconvenience to the occupier.
336 27	A.S.	Do. ..	do. ..	Thomas Dillon ..	The District Council offered no evidence.
336 28	A.S.	Do. ..	do. ..	James Holmwood ..	The same.

EXAMPLE No. II.

REPORT ON AN INQUIRY held under the LABOURERS (IRELAND) ACTS in the Rural District of THURLES in September and October, 1904.

5th November, 1904.

The Secretary, Local Government Board, Dublin.

SIR,

I have the honour to report that, in pursuance of your instructions, I held an inquiry on the 28th, 29th, and 30th days of September, and 1st day of October last, into an Improvement Scheme made by the Rural District Council of Thurles under the Labourers (Ireland) Acts, in respect of 21 divisions of the Rural District.

The Scheme proposed the erection of 112 cottages on plots in area 1a. Gr. 20p., and the acquisition of 43 half acres, for the purpose of enlarging the gardens attached to existing houses built under the Acts, the lands to be taken by compulsory purchase.

In consultation with the Clerk to the Council, it had been arranged to appoint the hearing of the cases according to the alphabetical order of the electoral divisions upon specified dates extending over three days and allowing an average of about fifty applications to be disposed of on each of the days named, but owing to the strenuous opposition to the cases first in the list, it was found impossible to adhere to this arrangement. It was generally admitted, however, that the arrangement had greatly facilitated the inquiry, and had obviated a great deal of inconsideration and waste of time to the members of the Council and other persons interested in the proceedings.

I feel it my duty to place on record the fact that, in my opinion much of the opposition at the Inquiry arose in consequence of the action of the Rural District Council in permitting the applicants a free hand in the selection of the sites. The result was that in numerous cases the sites had been so marked as not only to invite opposition by the owners and occupiers of the lands selected, but to render the Scheme obsolete so far as these cases were concerned.

I took occasion to point out the result of this dereliction of duty on the part of the Council, which appeared to be due to a misapprehension that they had not power to depart from the site suggested in the representation, and selected by the applicant.

The cost of the Scheme is estimated at £20,320, which is the amount of the loan now applied for. Previous loans to the extent of £10,369 have been obtained, and 133 cottages have been erected by the Council.

The existing poundage rate in respect of these loans is slightly over 2½d., and it is estimated by the Clerk that if the Scheme under consideration is carried out in its entirety the rate will be increased by one penny in the £.

The total rent received from the 133 cottages amounts to £200 per annum, being at the rate of 1s. 2d. per week per cottage and statute acre; cottages with only half acre attached, 1s. per week.

It appeared that these rents are well paid, and that there are practically no arrears. Thirteen of the applications were withdrawn at the Inquiry; in eight instances no evidence was tendered, while in about sixty cases there was no opposition.

In a considerable number of cases the applicants were unmarried, and, except where it was shown that the applicant was practically the head of a family, and had others dependent on his earnings, I have not recommended these cases. But the Solicitor, Mr. J. P. Carrigan, who appeared on behalf of the Rural Council, strongly supported these cases, stating that these men were the very class of labourers it was desirable to keep in the country, and that by offering them inducements to remain in Ireland they would have less reason to emigrate.

In very few instances were the applications brought under the Second Schedule, although the families were shown to be living in wretched houses, and, it was stated, that some of the towers which had been condemned as unfit for human habitation under former Schemes, and in lieu of which cottages had been erected by the Rural Council, had been re-occupied, and that no steps had been taken to comply with the provisions of the Acts in regard to such dwellings. The result is that applications for cottages have been made under several Schemes by the tenants who have been allowed in the meantime to re-occupy these condemned houses.

In the following cases points were raised which I was requested to submit to the Legal Adviser of your Board.

Item No. 54, page 220 of transcript of evidence.—The applicant, James Dwyer, was living in a bad house at the time he made the Representation, but the house had fallen and was unoccupied at the time it was inspected by the Medical Officer.

The Representation was considered and adopted on the 10th November, 1903, but the certificate was not obtained until the following April. Mr. Morgan, Solicitor for the Owner of the lands proposed to be acquired, contended that the certificate should have been in existence at the

time the Representation was considered and passed, while Mr. Carrigan, Solicitor for the Council, held that it was sufficient compliance with the Acts if the Certificate was in the possession of the Council before the Scheme was made, viz., 10th May, 1904, the Medical Officer having visited the house and given the Certificate between the time when the Representation was adopted and the making of the Scheme; I concurred with Mr. Morgan's contention, and have not recommended the application. Similar question arose in reference to Site No. 114, page 551 of transcript.

Site No. 73, page 266 of transcript.—The applicant, John Kennedy, seeks an extra allotment, being already tenant to the Council. He has been a bread-cart driver for five years and in receipt of 15s. a week. His son is in the same employment, and no member of the family has done any agricultural work for the period mentioned.

It was contended by Mr. Morgan, Solicitor for the occupier of the lands, that the applicant was not an agricultural labourer within the extended definition of Section 93 of the Irish Land Act, 1903. Mr. Carrigan argued contra. I have recommended the application.

After a careful review of the evidence given before me, and a personal inspection of the Sites, I am enabled to recommend forty-four cottages and thirty-nine additional allotments. The remaining sixty-eight cottages and four additional allotments I disallow, for the reasons given in the final column of Enclosure II. to Report.

There were seven "cottages" alternative sites proposed and accepted at Inquiry, and six additional allotments, all of which are duly marked on the various Ordnance sheets and passed my inspection.

I now beg to hand you a detailed statement, showing cottages and additional allotments recommended and disallowed in the various Electoral Divisions; Special Report on condemned houses proved at the Inquiry as unfit for habitation in accordance with Section 17 of the Labourers Acts, 1885 Transcript of Shorthand Notes of evidence taken at Inquiry; and Enclosures Nos. I. and II. to Report.

The file of papers sent to me in connection with the Schemes I am returning separately.

Enclosure (No. 1)

BALLYCAHILL ELECTORAL DIVISION.

Number Proposed—Cottages, 6; Additional Allotments, 2.

Number recommended—Cottages, 2; Additional Allotments, 2.
Particulars of Cases Recommended.

Hypothec Number Cottages Shewn.	Whether Committed to the Municipal Authority (A.A.)	Townland.	Owner.	Compulsor.	REPORT ON SITE.			VIEWS OF THE SUPPORT OF NEIGHBORS.		WITNESSES ANALYST SCHEMES.		REPORT BY OFFICIALS CHARGE.
					Approach.	Water.	Stability.	None.	None In the Scheme.	None.	None in the Scheme.	
No. A. O. B. 45	C	Charney	Colonel. Rogers Lefroy	None	Public road	Adjoining	Good	J. P. D. C.	—	—	—	No objection.
No. A. O. B. 46	C	Knolly	John Doherty	Patrick Doyle	Do	Adjoining	Good	Do	—	—	—	No objection.
No. V. O. B. 46	A.A.	Curranstown.	Rev. G. Wall	Mary Mahony	Adjoining	Adjoining	Good	Do	—	—	—	No objection.
No. A. O. B. 47	A.A.	Knolly	Do	Philip Parnell	Adjoining	Adjoining	Good	Do	—	—	—	No objection.

BALLYMURRIN ELECTORAL DIVISION.

Number Proposed—Cottages, 2.

Number Recommended—Cottages, 1.

No. A. O. B. 48	C	Knolly	Rev. U. B. Wilson	William Martin	Public road	Adjoining	Good	John O'Leary, D.C.	—	—	—	No objection.
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BORRISOLIGH ELECTORAL DIVISION.

Number Proposed—Cottages, 12; Additional Allotments, 2.

Number recommended—Cottages, 1; Additional Allotments, 2.

No. A. O. B. 49	C	Knolly	John O'Leary	John O'Leary	Public road	Adjoining	Good	Thomas O'Leary, D.C.	—	—	—	No objection.
No. A. O. B. 50	A.A.	Curranstown	Charles O'Leary	John O'Leary	Adjoining	Adjoining	Good	Do	—	—	—	No objection.
No. A. O. B. 51	A.A.	Curranstown	John O'Leary	John O'Leary	Adjoining	Adjoining	Good	Do	—	—	—	No objection.

DROM ELECTORAL DIVISION.

Number Proposed—Colleges, 7; Additional Allotments, 2. Number Recommended—Colleges, 1; Additional Allotments, 2.

Edmund Baker and Cottages about—	Whistle College about at allotment (A.A.)	Zoned	Owner.	Occupier.	Survey on 1971.			Witnesses if Affected or Related.		Witnesses if Affected or Related.		Statement if Opposed Cases.
					Approach.	Wales.	Subsidence.	Name.	Name of Evidence.	Name.	Name of Evidence.	
No. 15, O.S. 26 No. 15, O.S. 26	A.A. O	Cottages, 2 Bridges (U.P.C.)	O.C. Webb Earl of Oxford	Bridges Michael J. Barry	— Public road	— Adjacent	— Good	Donat Kennedy, D.O. Do	TH 110	— —	— —	No objection The applicant opposed on the ground that he would be liable for the evidence being proposed, namely for the the evidence.
No. 15, O.S. 26	A.A.	Residence (L.P.C.)	Mrs. Baker	Edward Ryan	Adjacent road	Adjacent road	Good	Do	110	—	—	No objection. As proposed to be in the evidence is not proposed with

POINAMAN ELECTORAL DIVISION.

Number proposed—Colleges, 4; Additional Allotments, 4. Number recommended—Colleges, 3; Additional Allotments, 4.

Edmund Baker and Cottages about—	Whistle College about at allotment (A.A.)	Zoned	Owner.	Occupier.	Survey on 1971.			Witnesses if Affected or Related.		Witnesses if Affected or Related.		Statement if Opposed Cases.
					Approach.	Wales.	Subsidence.	Name.	Name of Evidence.	Name.	Name of Evidence.	
No. 15, O.S. 26 No. 15, O.S. 26	A.A. O	Cottages, 2 Bridges (U.P.C.)	O.C. Webb Earl of Oxford	Bridges Michael J. Barry	— Public road	— Adjacent	— Good	Donat Kennedy, D.O. Do	TH 110	— —	— —	No objection The applicant opposed on the ground that he would be liable for the evidence being proposed, namely for the the evidence.
No. 15, O.S. 26	A.A.	Residence (L.P.C.)	Mrs. Baker	Edward Ryan	Adjacent road	Adjacent road	Good	Do	110	—	—	No objection. As proposed to be in the evidence is not proposed with

GLENKEEN ELECTORAL DIVISION.

Number proposed—Cottages, 4; Additional Allotments, 2. Number recommended—Cottages, — Additional Allotments, 1.

No. of O.S. No.	A.A.	Monuments	Tags John Burke	Marion Spots	Address existing plan	M. Ryan, D.C.	—	—	No objection
						127			

GORTKEELEY ELECTORAL DIVISION.

Number Proposed—Cottages, 8; Additional Allotments, 1. Number Recommended—Cottages, 2; Additional Allotments, 1.

No. of O.S. No.	A.A.	Monuments	Tags John Burke	Marion Spots	Address existing plan	M. Ryan, D.C.	—	—	No objection
						127			

BOLYCORES ELECTORAL DIVISION.

Number Proposed—Cottages, 12; Additional Allotments, 6. Number Recommended—Cottages, 8; Additional Allotments, 8.

No. of O.S. No.	A.A.	Monuments	Tags John Burke	Marion Spots	Address existing plan	M. Ryan, D.C.	—	—	No objection
						127			

LITTLETON ELECTORAL DIVISION.

Number recommended—Cottages, 2; Additional Allowances, 1.

Number proposed—Cottages, 4; Additional Allowances, 1.

No. 22, O.S. 45	O	Full-time	Days, L. G. Smith.	John Ryan	Public road	Well	Good	Don Hayes, D.C.	201	Assent.
24, O.S. 45	A.A.	Do	Do	Thomas Malley	—	—	—	Do	201	Assent.
26, O.S. 45	O	Full-time	Do	Philip Byrne	Public road	Well	Good	Do	206	No objection

LONGFORDPARK ELECTORAL DIVISION.

Number recommended—Cottages, 2; Additional Allowances, 1.

Number proposed—Cottages, 3; Additional Allowances, 1.

No. 20, O.S. 42 (A.B. 1911)	C	Manofaldens	Days, E. F. Gault.	James Maher	Public road	Admission	Good	John Farrelly, D.C.	200	Allegation made against the applicant, O.S. 42, in 1911.
22, O.S. 42 (A.B. 1911)	O	Do	D. D. Mahony	Laurel Property	Do	Shrine	Good	Do	201	Allegation made against the applicant, O.S. 42, in 1911.
24, O.S. 42 (A.B. 1911)	A.A.	Do	Days, E. F. Gault.	Joseph Brennan	—	—	—	Do	202	No objection

LOUGHMORE ELECTORAL DIVISION.

Number recommended—Additional Allowances, 5.

Number proposed—Cottages, 2; Additional Allowances, 5.

No. 22, O.S. 19	A.A.	Manofaldens	Days, E. F. Gault.	James Maher	Public road	Admission	Good	John Farrelly, D.C.	200	Allegation made against the applicant, O.S. 42, in 1911.
24, O.S. 19	A.A.	Do	Do	Do	Do	Do	Do	Do	201	Allegation made against the applicant, O.S. 42, in 1911.
26, O.S. 19	A.A.	Do	Do	Do	Do	Do	Do	Do	202	Allegation made against the applicant, O.S. 42, in 1911.
28, O.S. 19	A.A.	Do	Do	Do	Do	Do	Do	Do	203	Allegation made against the applicant, O.S. 42, in 1911.
30, O.S. 19	A.A.	Do	Do	Do	Do	Do	Do	Do	204	Allegation made against the applicant, O.S. 42, in 1911.

MOYALIFF ELECTORAL DIVISION.

Number proposed—Cottages, 5; Additional Allotments, 1.

Reference Number and Occupier's Name.	Whether Cottage (1) or Additional Allotment (2, 3, 4)	Township.	Owner.	Transfer on Sale.		Worthiness of Survey of Scheme.		Witnesses Against Scheme.		Remarks.
				Adverse.	Value.	Stability.	Name.	Page in Minutes of Proceedings.	Name.	
No. 114, O.S. 40 (old site 5)	C.	Salisbury.	Reps. W. B. Thomas- Lidell.	Well.	Good.	Good.	James Davies, D.D.	222	—	Allegation in file accepted, marked B14, O.S. 60, in file.
No. 98, O.S. 10	C.	Drewham.	G. G. Gwynne, of Kewenau School.	do.	do.	Good.	James Evans, D.D.	224	—	Opposed by occupier on the grounds that the scheme would be a detriment to the scheme as a whole. The scheme was not a particular advantage. It is finally shown that the application is a detriment to the scheme as a whole and is not a particular advantage. The scheme is not a particular advantage and is not a particular advantage.

Number recommended—Cottages, 2

MOYCARKE ELECTORAL DIVISION.

Number proposed—Cottages, 2; Additional Allotments, 2.

Number recommended—Cottages, 2; Additional Allotments, 2.

No. 114, O.S. 41	C.	Furze Green.	William Smith.	Dun Egan.	Public road.	Adverse.	Good.	F. G. G. G. G.	220	—	—
No. 114, O.S. 41 (old site 5)	C.	Eden.	James Thomas- Lidell.	Eden.	do.	do.	do.	do.	225	—	—
No. 114, O.S. 41 (old site 5)	C.	Eden.	James Thomas- Lidell.	Eden.	do.	do.	do.	do.	226	—	—
No. 114, O.S. 41 (old site 5)	C.	Eden.	James Thomas- Lidell.	Eden.	do.	do.	do.	do.	227	—	—

The scheme is opposed by Messrs. Thomas-
Lidell on the grounds that it is a detriment
to the scheme as a whole. The scheme was
not a particular advantage. It is finally shown
that the application is a detriment to the
scheme as a whole and is not a particular
advantage. The scheme is not a particular
advantage and is not a particular advantage.

No objection.

Allegation in file accepted, marked No. 114, O.S.
41, in file.

Allegation in file accepted, marked No. 114, O.S.
41, in file.

THURLES RURAL ELECTORAL DIVISION. Number Proposed—Otago, 4; Additional Allotments, 5. Number Recommended—Otago, 2; Additional Allotments, 4.

Rolling-up Number for Otago (A.A.)	Whether Otago (A.A.) or Additional Allotment (A.A.)	Township	Owner	Occupier	REVENUE ON SITE			WITNESSES ABSENT		REPORT ON OTAGO CASE
					Approach	Value	Reliability	From 12 Minutes	From 12 Minutes	
No 34, O.S. 11	O	Tarun	William Daly	Edward Davis	Public road	Well	Good	412	—	No objection.
No 118, O.S. 11	O	Unsubd	John Kennedy	do	do	Adjoining	Good	413	—	Objection opposed and related to existing other farms was not in agreement that it should have been sold, and that the value of the land was not in agreement. Mr. Morgan, solicitor, who appeared for both sides and everyone, questioned the legality of the certificate issued by the Registrar of Land, and the value of the land was not in agreement.
No 119, O.S. 11	A.A.	Residential	A.D. Holmes	Thomas Greedy	—	—	do	—	—	Mr. Morgan, solicitor to the Council, advised that by ordering the Deeds' articles was in the name of the Council, and that the value of the land was not in agreement.
No 120, O.S. 11	A.A.	Residential	Ernest Walsh	do	—	—	do	—	—	No objection.
No 121, O.S. 11	A.A.	Residential	John D.O. Bush	do	—	—	do	—	—	No objection.
No 122, O.S. 11	A.A.	Residential	William Daly	John D.O. Bush	—	—	do	—	—	No objection.

UPPERHURCH ELECTORAL DIVISION. Number Recommended—Otago, 1; Additional Allotments, 4.

Rolling-up Number for Otago (A.A.)	Whether Otago (A.A.) or Additional Allotment (A.A.)	Township	Owner	Occupier	Approach	Value	Reliability	From 12 Minutes	From 12 Minutes	REPORT ON OTAGO CASE
No 34, O.S. 11	O	Tarun	William Daly	Edward Davis	Public road	Well	Good	412	—	No objection.
No 118, O.S. 11	O	Unsubd	John Kennedy	do	do	Adjoining	Good	413	—	Objection opposed and related to existing other farms was not in agreement that it should have been sold, and that the value of the land was not in agreement. Mr. Morgan, solicitor, who appeared for both sides and everyone, questioned the legality of the certificate issued by the Registrar of Land, and the value of the land was not in agreement.
No 119, O.S. 11	A.A.	Residential	A.D. Holmes	Thomas Greedy	—	—	do	—	—	Mr. Morgan, solicitor to the Council, advised that by ordering the Deeds' articles was in the name of the Council, and that the value of the land was not in agreement.
No 120, O.S. 11	A.A.	Residential	Ernest Walsh	do	—	—	do	—	—	No objection.
No 121, O.S. 11	A.A.	Residential	John D.O. Bush	do	—	—	do	—	—	No objection.
No 122, O.S. 11	A.A.	Residential	William Daly	John D.O. Bush	—	—	do	—	—	No objection.

BALLYCAHILL ELECTORAL DIVISION.

Number Proposed—Cottages, 6; Additional Allotments, 2.

Number not Recommended—Cottages, 4.

Reference Number and Cottages Shewn	Whether Cottage (or) Allotment (A.L.)	Townland.	Owner.	Occupier	REASON.
1, O.S. 46	O	Gorynasson	Rev. G. Wolf	Ed. Powell	Applicant now in possession of a District cottage.
2, O.S. 46	O	Minerday	W. F. Mackey	Thomas Maher	No necessity.
3, O.S. 46	O	Clareon	Col. Henry L. James	do	Unmarried man, living with his father, who is making a cottage (No 40)
4, O.S. 46	O	Do.	do.	do	No necessity, applicant unmarried and a boarder.

BALLYMURRKEN ELECTORAL DIVISION.

Number Proposed—Cottages, 2.

Number not Recommended—Cottages, 1.

16, O.S. 45	O	Lathreen	Rev. M. B. Miller	Jeremiah Fitzgerald	Site interferes with amenity of residence.
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BORRISOLEIGH ELECTORAL DIVISION.

Number proposed—Cottages, 12; Additional Allotments, 2.

Number not recommended—Cottages, 11.

No. 11, O.S. 34	O	Castlegarrier	General Grace	James Fife	The applicant an unmarried man—no one depending on him.
" 13, O.S. 34	O	Knocknaween	Mrs. R. M. Ryan	John Burke	Wrong schedule, and strenuously opposed.
" 14, O.S. 34	O	Do	do	do	Withdrawn.
" 15, O.S. 34	O	Garrowee	Mary O'Donnell	Rev. A. Cooke	An evidently dishonest site leads a pig-sty, and vitiate view of occupier's residence.
" 16, O.S. 34	O	Castlegarrier	R. J. Burdon	Thomas Williams	Site interferes with the amenity of residence of occupier.
" 17, O.S. 34	O	Bathway	C. Butler Kearney	John Cooke	The applicant an unmarried man living with a parent, and no one depending on him.
" 18, O.S. 34	O	Knocknaween	Anne Hurley	Timothy Ryan	The site interferes with the amenity of the occupier's residence.
" 19, O.S. 34	O	Ballyroan	Lord Commissioners	Martin Laffan	The applicant lives in a house not recommended by H. G. H. and opposed by occupier.
" 20, O.S. 34	O	Gartslough	Reps. T. D. Kane	Mary Ryan	Do do
" 21, O.S. 34	O	Borndown South	John Kennedy	Mary Ryan	Applicant possessed of a house he paid £20 for.
" 22, O.S. 34	O	Do	do	do	M. G. H. considers it a fair house for a small family. The occupier of lands on which sites 21 and 22 are situated has been subjected to a deal of annoyance, having been boycotted; and now it is sought to plant two cottages on his lands thereby thrown out of business by Priory Cottage.

DROM ELECTORAL DIVISION.

Number proposed—Cottages, 7; Additional Allotments, 2.

Number not recommended—Cottages, 6.

No. 25, O.S. 34	O	Andorra	Reps. Thomas Wilson	William Fife	No necessity. The applicant rentably situated for 25 years with a former tenant who he has many persons.
" 27, O.S. 34	O	Deleaherty	Mrs. Fegan	do	Necessity not established. Applicant has a house not recommended by M.G.H.
" 28, O.S. 34	O	Ballyroan	Rev. John Curran	do	Necessity not shown. Applicant has a house not recommended by M.G.H.
" 29, O.S. 34	O	Fishermere	R. G. Curran	do	The applicant occupies a house for which he pays £8 a year, with 14 acres of land.
" 30, O.S. 34	O	Knocknaween	Peter O'Connell	H. Smith	No evidence. No appearance.
" 31, O.S. 34	O	Knocknaween	Paul O'Connell	Erskine Bow	No evidence. No appearance.

FOILNAMAN ELECTORAL DIVISION.

Number proposed—Cottages, 4; Additional Allotments, 4.

Number not recommended—Cottages, 1.

Reference Number and Cottages Block	Whether Cottage (C) or Additional Allotment (A.A.)	Townland	Owner.	Occupier.	Remarks.
No. 24, O.S. 19	O	Knockmaw	Mark Armstrong	John Ryan	The applicant an unmarried man and employed for the past 3 years with a farmer at the rate of £15 a year.

GLENKEEN ELECTORAL DIVISION.

Number Proposed—Cottages, 4; Additional Allotments, 2.

Number not Recommended—

Cottages, 4; Additional Allotments, 1.

41, O.S. 24	O	Kennamuckony	Henry Quinn	Andrew Burke	The applicant an unmarried man, and no one depending on him, and employed on treaty farms with a farmer.
42, O.S. 25	O	Grangemore	Reps. Oliver Oliver	Martin Shannon	do
44, O.S. 26	O	Parlane North.	do	Edy Hayes	The applicant an unmarried man living with his father doing rural contracts and looking on cattle.
46, O.S. 26	O	Cullagh	Reps. John Parker	James Ryan	The site for this applicant's cottage should have been selected on the lands where the applicant has been employed for past 10 years.
48, O.S. 26	A.A.	Cumshinga	Reps. Oliver Oliver	Mrs. Dwyer	In my opinion the applicant has applied for the time he has devoted to it, as he appears to do so without having working a threshing machine and dealing in cattle the threshing machine being his own property.

GORTKELLY ELECTORAL DIVISION.

Number Proposed—Cottages, 8; Additional Allotments, 1.

Number not Recommended—Cottages, 6.

43, O.S. 43	O	Ballyteer	Mark Armstrong	Thomas Ryan	Withdrawn.
49, O.S. 43	O	Knockmaw	Reps. William Ryan	Joseph Ryan	From the evidence adduced, the application has been worked up satisfactorily.
50, O.S. 43	O	Cullagh	Geo. E. Ryan	Geo. Hinchman	The applicant is the son of the occupier, and has conspired with his people to get him out of the house. He now seeks to get a cottage on his father's land.
41, O.S. 43	O	Knockmaw	Stephen Graham	Richard Ryan	No evidence.
52, O.S. 43	O	Ballyteer	do	Daniel Ryan	The applicant unmarried and no one depending on him.
53, O.S. 43	O	Cullaghmore	William P. Healy	Edward Butler	The applicant a young unmarried man married at age.

HOLYCROSS ELECTORAL DIVISION.

Number Proposed—Cottages, 12; Additional Allotments, 6.

Number not Recommended—Cottages, 4.

59, O.S. 47	O	Ballyteer	Lord Carrington	Patrick Derrin	The applicant a very young unmarried man, working and living with the occupier 27 years.
61, O.S. 47	O	Ballyteer	Edward G. Wall	William Burke	Withdrawn.
64, O.S. 47	O	do	Reps. John Munnery	Thomas Munnery	Withdrawn.
66, O.S. 47	O	Ballyteer	Elizabeth D. Munnery	Edward Butler	No answer. The applicant occupies a good house granted by him by the railway company, at which he is living 10 years.

INCH ELECTORAL DIVISION.

Number Proposed—Cottages, 2.

Number not Recommended—Cottages, 1.

No. 14, O.S. 48	O	Lanvane	P. Tait	Thomas Pendergast	No answer—applicant fairly housed.
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KILBUSH ELECTORAL DIVISION.

Number Proposed—Cottages, 3; Additional Allotments, 1. Number not Recommended—Cottages, 1

Reference Number and Cottage or Allotment	Whether Cottage (C) or Additional Allotment (A.A.)	Township	Owner	Occupier	Remarks
K.O.B. 35	C	Dover, Lower	F. Trank	Thomas Hicks	Withdrawn.

LITTLETON ELECTORAL DIVISION.

Number Proposed—Cottages, 4; Additional Allotments, 1. Number not Recommended—Cottages, 2.

L.O.B. 45	C	Lehardey Upper	Lead Commission	John Fogarty	No appearance. No evidence.
L.O.B. 46	C	Ballydoole	Mary E. Huddell	Edward Maher	Withdrawn.

LONGFORDPASS ELECTORAL DIVISION.

Number Proposed—Cottages, 3; Additional Allotments, 1. Number not Recommended—Cottages, 1.

L.O.B. 47	C	Bonahoe	D. D. Molony	Michael O'Meara	The applicant an unmarried man, living with his mother and brother. No money.
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LOUGHMORE ELECTORAL DIVISION.

Number Proposed—Cottages, 2; Additional Allotments, 5. Number not Recommended—Cottages, 2.

L.O.B. 48	C	Kilbracken	Hope Rev. C. Alderson	Mrs. Conner	Withdrawn.
L.O.B. 49	C	Kilbracken	Church Temperance Committee	William Laffan	No appearance. No evidence.

MOYALIFF ELECTORAL DIVISION.

Number Proposed—Cottages, 5; Additional Allotments, 1. Number not Recommended—Cottages, 3; Additional Allotments, 1.

M.O.B. 50	C	Droghda	Governess of Roman Catholic Schools	James Fogarty	Withdrawn.
M.O.B. 51	C	Glebe	Do.	Philip Byrne	Irregularly absent. No evidence.
M.O.B. 52	C	Do.	Do.	Do.	do.
M.O.B. 53	A.A.	Gorteenagharta	William Bradshaw	James Conner	Withdrawn.

MOYNE ELECTORAL DIVISION.

Number Proposed—Cottages, 7; Additional Allotments, 2. Number not Recommended—Cottages, 1.

M.O.B. 54	C	Moynead	Hope Colman Farm	Eden Evans	Certificates defective, being dated after the adoption of the scheme. In any case the Council does not consider the house worthy of being included in the scheme.
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RAHELTY ELECTORAL DIVISION.

Number Proposed—Cottages, 8; Additional Allotments, 1. Number not Recommended—Cottages, 3; Additional Allotments, 1.

Reference Number and Cottage Size	Whether Cottage (C) or Additional Allotment (A.A.)	Townland	Owner	Occupier	REASONS.
114, O.S. 41	C	Easttown	Mrs. Susan Buchanan	Pat Murray	Not being not shown. D.O. for the Division would not support the case.
117, O.S. 41	C	Do	Do	O. McKeown	No evidence produced.
119, O.S. 25	C	Atterdown	Reps. Colonel A. B. Cooper	Mary Bisset	After a plentiful evidence being taken regarding non-representation of locality of site in the representation form, the subject for the applicant declared he would withdraw the case.
120, O.S. 41	C	Loughishan	William Daly	Thomas O'Leary	Withdrawn by applicant, as he is going to be a village dweller.
121, O.S. 41	C	Edwally	Reps. George Wallace	Pat Keogh (Dum)	Withdrawn. The applicant has left the country.
122, O.S. 41	A.A.	Ballygarraheen	William Daly	William Cahill	Withdrawn by the applicant.

TEMPLETOUHY ELECTORAL DIVISION.

Number Proposed—Cottages, 13; Additional Allotments, 1. Number not recommended—Cottages, 8.

125, O.S. 36	C	Ballyknockan	Reps. Col. R. A. Cooper	Thomas Cleary	The application not supported.
127, O.S. 36	C	Do	do	Michael Heurn	The applicant was immediately attended at the time of the inspection and left his home for no apparent reason.
128, O.S. 36	C	Tullymoremoran	Land Commission	Martin Goshan	No evidence, no appearance.
129, O.S. 36	C	Do	do	Billy Tierney	The applicant remained and no one dependent on him. The Committee for the Division would not support him.
131, O.S. 36	C	Strapoe	Earl of O'Leary	Michael Connell	No necessity. The applicant was married and is not with any number who holds over an old land and the son would not.
132, O.S. 36	C	Loughishan and Drummah	Edwally Robinson	Thomas M. Connell	Immediately afterwards he had a large family—more children—was in no doubt, fully married. Case should have been brought in under second schedule.
133, O.S. 36	C	Do	do	Michael Maher	A young unmarried man living with his father.
134, O.S. 36	C	Strapoe	Earl of O'Leary	Timothy Mackey	A different Cottage available, which this applicant should look for.

THURLES RURAL ELECTORAL DIVISION.

Number proposed—Cottages, 4; Additional Allotments, 5. Number not recommended—Cottages, 2; Additional Allotments, 1.

136, O.S. 41	C	Loughishan	Reps. L. J. Smith	O. McKeown	Non-representation. No evidence.
141, O.S. 41	C	Kilmore	Do	David Maher	Withdrawn.
142, O.S. 41	A.A.	Loughishan	Gertrude Mathews	John Goshan	The applicant dead. The case of 13 is now the largest of the cottages and is employed on the highway, having to one but has another 1 consider to be sufficient here.

TWO-MILE-DORRIS ELECTORAL DIVISION.

Number proposed—Cottages, 3. Number not recommended—Cottages, 2.

145, O.S. 41	C	Leigh	Land Commission	Thomas Hayes	Wrong schedule, no necessity.
146, O.S. 41	C	Bouris	Frederick Kennedy	Mary E. Brindley	Wrong schedule, no necessity shown.

UPPERCHURCH ELECTORAL DIVISION.

Number proposed—Cottages, 2; Additional Allotments, 4. Number not recommended—Cottages, 1.

151, O.S. 40	C	Dune O'Connor	G. R. Clarke	John Ryan	Unsuitable applicant, and an unsuitable case.
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EXAMPLE No. III.

REPORT ON AN INQUIRY held under the LABOURERS (IRELAND) ACTS in the Rural District of WEXFORD, in November, 1904.

LABOURERS (IRELAND) ACTS, 1888 TO 1903.

REPORT ON LOCAL INQUIRY.

24th January, 1905.

SIR,

I beg to report that in accordance with your instructions, I held a Local Inquiry regarding the Petition received from the Wexford Rural District Council, praying for a Provisional Order to confirm an Improvement Scheme made by them under the Labourers (Ireland) Acts.

The Inquiry opened on 18th November, and lasted until 18th November.

There was no objection of a general character to the Scheme on the ground of excessive taxation or otherwise.

Under former Schemes 498 cottages were built in the District, and are now let, including an allotment of half-an-acre, at nine pence per week.

In only four districts in Ireland have a larger number of cottages been built than in the Wexford Rural District, namely:—

Cork Rural District,	508 cottages.
Maconn Rural District,	518 "
Limerick No. 1 Rural District,	530 "
Kilmallock Rural District,	722 "

Under the new Scheme it is proposed to build 141 new cottages, which are to be provided with half-acre allotments.

The loan required for the purposes of the Scheme is estimated as follows:—

	£	s.	d.
For the acquisition of land for new cottages and allotments,	2,415	0	0
" building new houses,	15,417	0	0
" fencing the plots,	805	0	0
" Clerk of Works fees,	402	10	0
" Clerk of the District Council fees,	201	5	0
" Solicitors fees,	241	10	0
" other expenses,	442	15	0
Total,	290,125	0	0

The average cost of a cottage and plot is as follows:—

	£	s.	d.
Building,	97	0	0
Fencing,	5	0	0
Acquisition of land,	15	0	0
Clerk of Works fees,	2	10	0
Clerk of the Council fees,	1	5	0
Conveyance and Solicitors fees,	1	10	0
Inquiry, printing, &c.,	2	15	0
Total,	£125	0	0

The present rate under the Acts is 6½d. in £1, and if the present Scheme were passed in its entirety, an additional rate of 2d. in £1 would be necessary.

I held a similar Inquiry in Wexford about three years ago, when I reported on the supply and demand for agricultural labour in the District. There does not appear to be anything very special to which I should direct the attention of your Board. Having carefully considered the evidence and inspected the various sites, I would recommend that of the 141 sites included in the Scheme, 141 be allowed and 30 be disallowed. Of the 141 sites recommended, 123 were not opposed, 9 were opposed, 8 are for alternative sites, and one is subject to consents, as it does not adjoin a public road. Particulars relating to the cases recommended and those not recommended will be found in the enclosure.

At the close of the Inquiry four labourers, whose applications had been rejected by the Council, applied to have their cases included in the present scheme. I informed them that, although in two cases they could apparently obtain consents for sites, the Board of Works would not sanction a loan for cottages which were not included in the Scheme. I may add that, as the Council have already built such a large number of cottages, I think they should be allowed to use their discretion in the cases which come before them.

The Secretary,
The Local Government Board,
Dublin.

[illegible]

ARNDTOLM ELDTORAL DIVISION.

Number Proposed—Ottages, 3.				Number Recommended—Ottages, 3.						
181 D	0 8 25	0	Contrary	W. Toole	Good	Good	Partial Occurrence. Secondary Color	19	—	It was said that only the last already in the flower's perspective at the present time should be taken for the also.
181 D	0 8 25	0	Contrary	W. Toole	Good	Good	Labrador	19	—	No opposition.
181 D	0 8 25	0	Do	W. Toole	Good	Good	Labrador	19	—	Alternatives recommended.

ABRAHAM ELECTRONIC DIVISION.

Number Proposed—Cattages, 2.				Number Recommended—Cattages, 2.					
Est D	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer	Remarks
187 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
188 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
189 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
190 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
191 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
192 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
193 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
194 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
195 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
196 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
197 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
198 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
199 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer
200 D	0 0 22	C	Fuller's	S. L. Nelson	J. Colburn	Reed	Consent	Unfil	Laborer

BALTIMORE ELECTIONAL DIVISION.

Number Proposed—Cottages, 3.

Number Recommended—Cottages, 0.

ID	0.0.0	0	Admission	A. O'Neil	Good	Current	Good	Labour	No opposition.
1D	0.0.0	0	Admission	A. O'Neil	Good	do	do	Labour	Labour's term was extended by the Assembly Office. One was proposed in the second, but having failed to be qualified at anything but one of the three, it was not taken into consideration. The third was also not taken into consideration, as it was not shown that it was not taken into consideration of any other term, and the complete of the term was not approved by the Assembly.

BARNOW ELECTIONAL DIVISION.

Number Proposed—Cottages, 5.

Number Recommended—Cottages, 4.

4 D	Q 8 48	0	Redfern	H. Boyce	M. and B. Redfern	Good	Labour	No opposition.
2 D <td>Q 8 48</td> <td>0</td> <td>Redfern<td>do.</td><td>M. and B. Redfern<td>Good<td>Labour<td>Assembly's term was extended. In view of the fact that it was not taken into consideration, it would not be taken into consideration.</td></td></td></td></td>	Q 8 48	0	Redfern <td>do.</td> <td>M. and B. Redfern<td>Good<td>Labour<td>Assembly's term was extended. In view of the fact that it was not taken into consideration, it would not be taken into consideration.</td></td></td></td>	do.	M. and B. Redfern <td>Good<td>Labour<td>Assembly's term was extended. In view of the fact that it was not taken into consideration, it would not be taken into consideration.</td></td></td>	Good <td>Labour<td>Assembly's term was extended. In view of the fact that it was not taken into consideration, it would not be taken into consideration.</td></td>	Labour <td>Assembly's term was extended. In view of the fact that it was not taken into consideration, it would not be taken into consideration.</td>	Assembly's term was extended. In view of the fact that it was not taken into consideration, it would not be taken into consideration.
3 D <td>Q 8 48</td> <td>0</td> <td>Redfern<td>do.</td><td>M. and B. Redfern<td>Good<td>Labour<td>No opposition.</td></td></td></td></td>	Q 8 48	0	Redfern <td>do.</td> <td>M. and B. Redfern<td>Good<td>Labour<td>No opposition.</td></td></td></td>	do.	M. and B. Redfern <td>Good<td>Labour<td>No opposition.</td></td></td>	Good <td>Labour<td>No opposition.</td></td>	Labour <td>No opposition.</td>	No opposition.
4 D <td>Q 8 48</td> <td>0</td> <td>Redfern<td>do.</td><td>M. and B. Redfern<td>Good<td>Labour<td>do.</td></td></td></td></td>	Q 8 48	0	Redfern <td>do.</td> <td>M. and B. Redfern<td>Good<td>Labour<td>do.</td></td></td></td>	do.	M. and B. Redfern <td>Good<td>Labour<td>do.</td></td></td>	Good <td>Labour<td>do.</td></td>	Labour <td>do.</td>	do.

BRIDGETOWN ELECTIONAL DIVISION.

Number Proposed—Cottages, 11.

Number Recommended—Cottages, 11.

5D	0.0.02	U	Quodshah	Kate Welch	James Cherry	Good	Communist	Good	Labouring Secretary Office	10	No opposition.
5D	0.0.03	O	Zimshahack	J. J. Bordo	J. J. Bordo	Good	Communist	Good	Labouring Secretary Office	10	do
5D	0.0.04	O	Gertins Gmsh	Maybough Fiske	E. Stakard	Good	Communist	Good	Labouring Secretary Office	10	do
5D	0.0.07	O	Throon-Edna Haversham	R. Beavell	B. Dicks	Good	Communist	Good	Labouring Secretary Office	11	do
5D	0.0.07	O		Trusham Pappas	O. White	Good	Communist	Good	Labouring Secretary Office	11	do
5D	0.0.02	O	Edgerton Little	J. J. Alexander	A. P. Insinger	Good	Communist	Good	Labouring Secretary Office	11	No opposition
5D	0.0.07	O	Minnetkin	Mrs. Remonds	Mrs. Remonds	Good	Communist	Good	Labouring Secretary Office	11	do
5D	0.0.02	O	Cliffhill	M. Ingers	M. Peters	Good	Communist	Good	Labouring Secretary Office	11	do
5D	0.0.07	O	Palmersburg Court	Mrs. Bellan and Mrs. Frost	T. Louwer	Good	Communist	Good	Labouring Secretary Office	11	do
5D	0.0.07	O	Palbroun	J. Peters	J. Peters	Good	Communist	Good	Labouring Secretary Office	11	do
5D	0.0.07	O	Sharpshoun	E. Sharpshoud	E. O'Garra and E. Hays	Good	Communist	Good	Labouring Secretary Office	11	do

KILMORE ELECTORAL DIVISION.

Number Proposed—Cottages, 10.

Number Recommended—Cottages, 10.

Distance from Station and Number of Cottages Proposed.	Whether Within Urban District (A.A.)	Townland	Owner	Occupier	BEFORE OR SINCE.			APPROPRIATE TO BEING OF SERVICE.			REMARKS IN REFERENCE TO CASE.
					Approach.	Value.	Condition.	Name.	Use in Military Service.	Name of Person in Possession	
27 D 0 8 17	0	Ballybooth	Mr. John and Mrs. Scott	M. Bellister	Good	Complete	Good	Laborer	26	—	No objection.
28 D 0 8 18	0	Ballybooth	Mr. John and Mrs. Scott	W. Doyle	do	do	do	Domestic Carpenter	26	—	do.
29 D 0 8 19	0	Do	Mr. John and Mrs. Scott	W. Perkins	do	do	do	Laborer	26	—	do.
30 D 0 8 20	0	Do	Mr. John and Mrs. Scott	R. Byrne	do	do	do	Laborer	26	—	do.
31 D 0 8 21	0	Do	Mr. John and Mrs. Scott	W. Bondar	do	do	do	do	27	Overseer	Alternatives are recommended.
32 D 0 8 22	0	Do	Mr. John and Mrs. Scott	W. Byrne	do	do	do	Domestic Carpenter	27	—	No objection.
33 D 0 8 23	0	Do	Mr. John and Mrs. Scott	W. Bondar	do	do	do	Laborer	28	—	do.
34 D 0 8 24	0	Do	Mr. John and Mrs. Scott	J. Byrne	do	do	do	This cottage and a small one	28	—	do.
35 D 0 8 25	0	Do	Mr. John and Mrs. Scott	do	do	do	do	Laborer	29	—	do.
36 D 0 8 26	0	Do	Mr. John and Mrs. Scott	R. Byrne	do	do	do	Domestic Carpenter	29	—	do.

KILPATRICK ELECTORAL DIVISION.

Number Proposed—Cottages, 1.

Number Recommended—Cottages, 1.

Distance from Station and Number of Cottages Proposed.	Whether Within Urban District (A.A.)	Townland	Owner	Occupier	Approach.	Value.	Condition.	Name.	Use in Military Service.	Name of Person in Possession	REMARKS IN REFERENCE TO CASE.
37 D 0 8 27	0	Gabbally	Mr. John and Mrs. Scott	J. Byrne	Good	Complete	Good	Laborer	30	—	No objection.

BOSSHARE ELECTORAL DIVISION.

Number Proposed—Colleges, 5.

Number Recommended—Colleges, 5.

Colleges Number in Colleges Electoral Division	Whether Colleges are Admitted (Y. N.)	Type of School	Owner	Company	Number for 1911			Witnesses in Support of Petition		Remarks
					Approach	Value	Reliability	Name	Days in Support of Petition	Days in Support of Petition
10 D 0 5 45	C	Elementary	J. H. Hays		Good	Good	Fair	Labovitz	25	
11 D 0 5 45	C	Elementary	J. J. Boyd		Good	Good	Good	Labovitz Secretary Office	26	
12 D 0 5 45	C	Elementary	M. Friedman		Good	Good	Good	Labovitz Secretary Office	27	
13 D 0 5 45	C	Elementary	W. H. Hays		Good	Good	Good	Labovitz	28	
14 D 0 5 45	C	Elementary	J. J. Boyd		Good	Good	Good	Labovitz Secretary Office	29	

I think the College would do well to be considered for admission to the State University as it appears to be the best in the State.

do

do

do

do

ST. HELEN'S ELECTORAL DIVISION.

Number Proposed—Colleges, 1.

Number Recommended—Colleges, 1.

Colleges Number in Colleges Electoral Division	Whether Colleges are Admitted (Y. N.)	Type of School	Owner	Company	Approach	Value	Reliability	Name	Days in Support of Petition	Days in Support of Petition
10 D 0 5 45	C	Elementary	Mrs. Hays		Good	Good	Good	Labovitz	25	

No opposition.

TACUMSHANE ELECTORAL DIVISION.

Number Proposed—Colleges, 6.

Number Recommended—Colleges, 5.

Colleges Number in Colleges Electoral Division	Whether Colleges are Admitted (Y. N.)	Type of School	Owner	Company	Approach	Value	Reliability	Name	Days in Support of Petition	Days in Support of Petition
10 D 0 5 45	C	Elementary	M. Hays		Good	Good	Good	Labovitz	25	
11 D 0 5 45	C	Elementary	Mrs. Hays		Good	Good	Good	Labovitz Secretary Office	26	
12 D 0 5 45	C	Elementary	M. Hays		Good	Good	Good	Labovitz Secretary Office	27	
13 D 0 5 45	C	Elementary	M. Hays		Good	Good	Good	Labovitz Secretary Office	28	
14 D 0 5 45	C	Elementary	M. Hays		Good	Good	Good	Labovitz Secretary Office	29	

No opposition.

do

do

do

do

do

TASHMON ELECTORAL DIVISION.

Number Proposed—Cottages, 7.

Number Recommended—Cottages, 6.

142 D 0 8 41	C	Tashmon	H. Bess	..	..	Good	..	Tashmon	..	6	..	No opposition.
142 D 0 8 46	C	Broomfield	E. Fortezze	..	..	Good	..	Labourer	..	6	..	do.
144 D 0 8 36	C	..	T. Bache	..	..	Good	..	Labourer	..	6	..	do.
146 D 0 8 41	C	Coedleworth	W. T. Bache	..	..	Good	..	Labourer	..	6	..	do.
146 D 0 8 46	C	..	E. Gorn	..	..	Good	..	Labourer	..	6	..	do.
147 D 0 8 41	C	..	..	..	..	Good	..	Labourer	..	6	..	do.

TOMHAGGARD ELECTORAL DIVISION.

Number Proposed—Cottages, 8.

Number Recommended—Cottages, 8.

147 D 0 8 47	C	Tallishin	J. W. Hursey	..	..	Good	..	Labourer	..	8	..	No opposition.
148 D 0 8 47	C	..	J. B. Brown	..	..	Good	..	Labourer	..	8	..	do.
148 D 0 8 47	C	..	..	..	..	Good	..	Labourer	..	8	..	do.

WEXFORD RURAL ELECTORAL DIVISION.

Number Proposed—Cottages, 8.

Number Recommended—Cottages, 1.

149 D 0 8 47	C	..	N. Furlong	Good	..	Labourer	..	1	..	No opposition.
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WHITECHURCH ELECTORAL DIVISION.

Number Proposed—Cottages, 1.

Number Recommended—Cottages, 1.

149 D 0 8 48	C	..	J. Furlong	Good	..	Labourer	..	1	..	No opposition.
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Enclosure (No. 2).

BALLYMITT ELECTORAL DIVISION.

Number Proposed—Cottages, 3.

Number not Recommended—Cottage, 1.

Particulars of Cases not Recommended.

Reference Number and Ordinance Sheet.	Whether Cottage (C) or Additional Dwelling (A.D.)	Townland.	Owner.	Occupier.	Remarks.
ED O 844	C	Knockharbin	Col. Trenchard	S. O'H. Walsh	The applicant is living in a house which has not been condemned by the Sanitary Officer.

BANNOW ELECTORAL DIVISION.

Number Proposed—Cottages, 5.

Number not Recommended—Cottages, 2.

ED O 845	C	Clewick	.. H. Boyce	.. J. Farling	.. I consider that the proposed site would interfere with the amenities of Mr. Hayes' house.
ED O 845	C	Kiltra	.. Do.	.. W. Hayes	.. The applicant never worked for the owner of the proposed site. The firm does not intend sufficient employment for the occupier of the site who is already employed in the district. Under these circumstances I do not consider that it would be fair to take this site.

DUNCORMICK ELECTORAL DIVISION.

Number Proposed—Cottages, 3.

Number not Recommended—Cottages, 1.

ED O 846	C	Beth	.. Lady M. Fitzmaurice	.. Ellen Shute	.. The applicant lives with his mother, who holds 2 acres 2 rods 2 perches qualified.
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KILMORE ELECTORAL DIVISION.

Number Proposed—Cottages, 12.

Number not Recommended—Cottages, 2.

ED O 847	C	Ballish	.. J. Rowe	.. Margaret Hayes	.. The applicant is living in a house which has not been condemned. He has resided for 5 years in this present house and has not received a notice to quit. The applicant admitted that he was not 30 years of age.
ED O 847	C	Leighmore	.. Mrs. D. Moran and Lord Muskerry.	.. N. Rose	..

RATHSPICK ELECTORAL DIVISION.

Number Proposed—Cottage, 1.

Number not Recommended—Cottage, 1.

ED O 848	C	Whitewoods	.. E. Pett	.. E. Pett	.. One of the Commissioners representing the Government, stated at the Registry that he did not consider that the cottage was required.
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KILLINICK ELECTORAL DIVISION.

Number Proposed—Cottages, 7.

Number not Recommended—Cottage, 1.

Reference Number and Opponent Sheet	Whether Cottage (C.) or Additional Amendment (A.A.)	Townland.	Owner.	Cottage.	Remarks.
ND O 8 47	O	Ballymore ..	Islee ..	W. Chambers ..	I consider that the site would interfere with the amenities of Mrs Lett's house and premises.

KILBOURAN ELECTORAL DIVISION.

Number Proposed—Cottages, 1.

Number not Recommended—Cottage, 1.

Reference Number and Opponent Sheet	Whether Cottage (C.) or Additional Amendment (A.A.)	Townland.	Owner.	Cottage.	Remarks.
ND O 8 48	O	Kilbourne ..	F. Lambert ..	F. Lambert ..	The laborer stated that the proposed site would suit him.

TACUMSHANE ELECTORAL DIVISION.

Number Proposed—Cottages, 6.

Number not Recommended—Cottage, 1.

Reference Number and Opponent Sheet	Whether Cottage (C.) or Additional Amendment (A.A.)	Townland.	Owner.	Cottage.	Remarks.
ND O 8 49	O	Funnistown ..	W. Jettison ..	W. Jettison ..	The laborer admitted that he was living in a good house.

ARDCAVAN ELECTORAL DIVISION.

Number Proposed—Cottages 19.

Number not Recommended—Cottages, 6.

Reference Number and Opponent Sheet	Whether Cottage (C.) or Additional Amendment (A.A.)	Townland.	Owner.	Cottage.	Remarks.
ND O 8 51	O	Oostown ..	Lady M. Fitzgerald ..	D. Farlow ..	The laborer is living in a house which has not been condemned by the Sanitary Officer.
ND O 8 52	O	Glengary ..	Hon. Mrs. Deane Morgan and Lord MacDonnell.	L. H. Carty ..	The cottage holds 24 Irish acres, on which there is already one cottage which is occupied by the brother of the present applicant.
ND O 8 53	O	Tallaght ..	Rev. — Thibon ..	H. Deane ..	This site is numbered 164 on O.S. The original site does not include a public road. An alternative site, which adjoins a private lane, was pointed out to me by the owner. The committee informed me that the laborer is kept up by some farmers who reside at the further end of it, and who are opposed to the site being taken for a cottage.
ND O 8 54	O	Glengary ..	Hon. Mrs. Deane Morgan and Lord MacDonnell.	Hon. Deane ..	The site on which the site is marked contains 10 Irish acres, on which there are two houses, one of which has a garden attached. From the evidence it appears that a Mr. Frazee has a large turn-on where a site might have been marked.

ABRAMONT ELECTORAL DIVISION.

Number Proposed—Cottages, 9.

Number not Recommended—Cottages, 2.

Reference Number and Opponent Sheet	Whether Cottage (C.) or Additional Amendment (A.A.)	Townland.	Owner.	Cottage.	Remarks.
ND O 8 55	O	Ballylagan Lower.	Hon. P. O'Sullivan ..	P. Skerrie ..	Withdrawn.
ND O 8 56	O	Do. ..	do. ..	H. O'Sullivan ..	Case was opposed. The laborer never worked on the farm, and admitted that he was not on friendly terms with the owner.

GLYNN ELECTORAL DIVISION.

Number Proposed—Cottages, 4.

Number not Recommended—Cottage, 1.

Reference Number and Cottage Sheet.	Whether Cottage (Or other Addition) Allowed (A.D.)	Townland.	Owner.	Occupies.	Remarks.
214 D O 8 36	B	Belgun	W. Ryan and others	W. Ryan and others	There is already a detached cottage on this town. I consider that it would have been better to have adopted a site on land on which the labourer is employed.

TAGHMON ELECTORAL DIVISION.

Number Proposed—Cottages, 1.

Number not Recommended—Cottage, 1.

Reference Number and Cottage Sheet.	Whether Cottage (Or other Addition) Allowed (A.D.)	Townland.	Owner.	Occupies.	Remarks.
215 D O 8 40	C	Taghmon	Lord Curzon	W. Winters	Site has been selected adjoining the house of a Mr. Donohue, an adjoining farmer. If possible could be obtained for an alternative site to the opposite side of the field or to another field on the same farm. I would recommend it.

WEXFORD RURAL ELECTORAL DIVISION.

Number Proposed—Cottages, 3.

Number not Recommended—Cottages, 2.

Reference Number and Cottage Sheet.	Whether Cottage (Or other Addition) Allowed (A.D.)	Townland.	Owner.	Occupies.	Remarks.
216 D O 8 27	C	Ballybagin	M. J. & S. Gaffney	T. Clarke	The cottage holds 15 Irish acres of which 10 are in the area were lost. The applicant desires to live and work on the farm attached to the Workhouse. I think it would be unreasonable to take the proposed site.
217 D O 8 42	C	Malpasman	N. A. Stafford	Mary Hayes	The applicant is living in a good house on neighbouring farm on which he is employed.

NEWCASTLE RURAL DISTRICT LABOURERS ORDER (1904),

PART 2.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

REPORT OF PROCEEDINGS,

TUESDAY, JUNE 28TH, 1904.

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THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

COUNCIL CHAMBER, DUBLIN CASTLE, TUESDAY, JUNE 28TH, 1904.

Present :—The Right Honourable the LORD CHANCELLOR, presiding.
 The Right Honourable Lord Justice FITZGIBBON.
 The Right Honourable Lord Justice WALKER.
 The Right Honourable Lord Justice HOLMES.

THE NEWCASTLE RURAL DISTRICT LABOURERS ORDER, 1904 (PART 2) AND
THE LABOURERS (IRELAND) ACTS, 1883 TO 1896.

Council for Local Government Board, Mr. George Green, instructed by Messrs. F. T. Moriarty and Son.

Council for Rural District Council, Mr. Moriarty, & Co., instructed by Mr. Wm. Leahy.

OBJECTION of RICHARD WOLFLE against the erection of a cottage on the townland of Kishkilea Lower, Electoral Division of Abbeyfeale.

OBJECTION of SIMON O'BEGAN against the erection of a cottage on the townland of Moanleena, Electoral Division of Dungarbeg.

OBJECTION of DANIEL DANABER against the erection of a cottage on the townland of Templetoheen West, Electoral Division of Glengowen.

OBJECTION of DAVID CAHILL against the erection of a cottage on the townland of Cloonsperthone, Electoral Division of Newcastle.

OBJECTION of DAVID AHERNE to the acquisition of an additional half acre on the townland of Knockacraig, Electoral Division of Dromedilheen.

OBJECTION of TIMOTHY MURCART against acquisition of additional half acre on the townland of Garryduff, Electoral Division of Garryduff.

Mr. Green.—There are a number of cases in this Rural District settled. In the first, Richard Wolfe, an alternative site has been agreed on.

Mr. Moriarty.—In this case we are not going on. I can tell you the others. In the case of Richard Wolfe there is an alternative site. A letter has been sent by Wolfe to the Local Government Board agreeing to the alternative site, and the civil engineer of the district has marked on the map the alternative site.

The President.—That is a matter of consent, and if you hand it in initialled by both parties to the Clerk of the Council, that will be done.

Mr. Moriarty.—So I told Mr. Leahy. In the next case, that of Simon O'Began, that has also been withdrawn, and there is a consent to an alternative site which has been marked by Mr. Leahy. In the next case, Danabher, the objection is withdrawn and an alternative site is agreed to.

The President.—In every case where an alternative site is agreed on, you will have to hand in a map with the alternative site initialled by both parties.

Mr. Moriarty.—It won't be possible to-day to have them initialled by both parties, because in those cases in which it has been withdrawn the man has not come up.

The President.—How has he agreed to the alternative site?

Mr. Moriarty.—By letter. He has sent a letter in two of the cases.

President.—We make the order for the alternative site, subject to the map being handed in to our officer initialled by both parties.

Mr. Moriarty.—The next case you will see settled is Caldwell. In that case the site has been abandoned by the guardians, and I suppose your lordships will make the usual order for the rental sum for payment of the costs of the petition.

The President.—That is £3 2s.

Mr. O'Donohue, Solicitor.—I appear for the solicitor and ask for the usual costs.

The President.—That is £2 2s.

Mr. Moriarty.—In the next case, Aherne, the cottage has been withdrawn, and £1 1s. has been paid.

Lord Justice FitzGibbon.—No order is required. It may be struck out.

Mr. Moriarty.—In the next case, Mulcahy, an additional half acre is sought, and he agrees to give an alternative site.

The President.—The same observation applies here about the map initialled by both parties.

Mr. Moriarty.—Mr. Lecky says, in the case in which £1 1s. has been paid he would like your lordships to make an order, because otherwise they would have no protection for it.

Lord Justice FitzGibbon.—Very well. We will order £1 1s. costs.

OBJECTION of JAMES CLEARY against the erection of 3 cottages (107, 108, and 113) on the townland of Templelahan East, Electoral Division of Glengower.

Counsel for Objector, Mr. Lynch, instructed by Mr. Daniel Lecky.

Mr. Lynch.—There are 3 cottages with plots attached upon this holding and 4 non-union cottages, there are several large holdings in the division on which no cottages have been built, and petitioner says that he is in possession of a farm formerly held by a man named Dalton, who is a cousin of Richard White, a district councillor, who has a large farm adjoining on which there are no union cottages, and that he had to take up Dalton's farm to recover a debt, and in consequence there is this desire to put a large number of cottages on him because he is Dalton's landlord.

JAMES CLEARY, sworn, examined.

1. Mr. Lynch.—I understand there are three labourers' cottages upon your farm already?—Yes.

2. How many farms have you?—Three.

3. What is the extent of your farm—how many acres?—146, with the three cottages, on Dalton's farm.

4. How many in the others?—180.

5. The President.—Irish or English?—Statute English acres.

6. Mr. Lynch.—Are there any cottages already on Dalton's farm?—Three union cottages.

7. Are they occupied?—They are.

The President.—You say in your objection there are 9.

8. Mr. Lynch.—That includes the other lands; how long have you Dalton's farm?—17 or 18 years, more or less.

9. It is a farm you had to take up because you were security for a man in the bank?—Yes.

10. And were you subject to some encumbrance on account of it?—I was.

11. Are there any large farms around your place with no cottages on them?—There are, most of them.

12. Tell us the names of some of the people?—Wm. Dunaher with from 70 to 80 acres, Philip Sheehan next to him again.

13. How many acres of land has he?—About the same, more or less.

14. Has he a cottage on it?—No.

15. Tell us some of the others?—Mrs. Dalton comes next—the widow Dalton.

16. Has she a cottage?—No.

17. How many acres has she?—About the same.

18. Do you know Mr. Richard White?—I do.

19. Is he a district councillor?—He is.

20. How many acres of land has he?—About the same as usual.

21. Has he any cottages on his place?—Not one at all.

22. Is he near this farm of yours?—He is bounding me as I may say. The river is between us. There is a farm between him and me, another man named Dalton.

23. Is there a cottage on that?—No.

24. So you are in the happy position of having 6 cottages already on this farm of Dalton's?—I am.

25. And it is proposed to build 3 more on it?—Yes.

26. You know these people it is proposed to build the cottages for?—I do.

27. One of them is a man named Sheehan?—Yes.

28. Is he living in one of these houses of yours?—It is on the other farm of Lecky's he is living.

29. He is not living on Dalton's farm?—No.

30. He is living on the farm of a man named Lecky which you had to take up in the same circumstances. You were surety for him?—Yes.

31. And has he a house and 5 acres on Lecky's farm?—Yes, and a haggard beside.

32. There is a man named Quinn who is one of the people applying?—There is.

33. Where does Quinn live?—He lives at present with me on Lecky's farm in Lecky's old home.

34. That is another farm?—Yes.

35. Where does Ahern live?—On Dalton's farm.

36. So two of these people live on a farm called Lecky's farm and a third lives on Dalton's?—Yes; Ahern on Dalton's and Sheehan and Quinn on Lecky's.

37. You say there are several large farms in the vicinity on which there are no labourers' cottages?—Yes.

38. Including the farm of this councillor, Mr. White?—Yes, that is one of them.

39. You say you believe that this set upon you is due to some extent to the fact that you have Dalton's land?—It would look like it.

40. Mr. Moriarty.—You have given some very surprising evidence here to-day. This land on which it is proposed to put the union cottages is not Dalton's land at all; do you know that?—Sure it is not.

41. Why did you say it was?—There are two union cottages built on it.

41. Don't you know you have sworn that the Council propose to put three union cottages upon Dalton's farm because you say they have some spite against you on account of Dalton's farm; is not that what you have sworn to—It is.

Is it not the fact that they do not propose these cottages on Dalton's farm at all but on a farm which you hold—

42. Lord Justice FitzGibbon.—I did not understand he cared very much on which of his farms they were put to—It is on Leahy's farm it was built.

Mr. Moriarty.—Mr. Lynch suggested they were seeking to crowd Dalton's farm with union cottages.

Lord Justice FitzGibbon.—No, but to crowd this gentleman with cottages.

43. Mr. Moriarty.—You are the largest owner of land in the district to—That may be.

44. You hold nearly a thousand acres of land to—Not at all.

45. How many to—Something over half the thousand, five hundred odd.

46. Irish acres to—Statute.

47. Have not you got 700 statute in this particular place to—I have.

(Surveyor, Mr. Leahy, explains map to Committee).

Mr. Leahy.—That (indicates) represents what Mr. Moriarty was speaking of. That is altogether. These are the existing cottages already built by the District Council. The green is an additional half-acre to one of them. These three there are three full acres, three new ones.

48. The President (to Mr. Leahy).—Are there any other cottages that are not union cottages on this place to—There are some small ones along there.

49. Is this a regular county road along here to—Yes, leading from Athies to Newcastle West.

Mr. Moriarty.—The additional cottages are six mud hovels which have been condemned as insanitary by the doctor.

50. Mr. Lynch (to Mr. Leahy).—You told my lord the extent of Mr. Cleary's holding. Kindly give the Court some idea of the amount of outway bog.

The President.—You must keep that for cross-examination. This is not on the map which has been explained.

51. Mr. Moriarty.—These six other cottages that you speak of are mud hovels to—They are.

And they have been condemned by the doctor as unfit for human habitation.

Lord Justice FitzGibbon.—Are the three who are now asking for cottages living in these mud hovels to

52. Mr. Moriarty.—Yes; it is to remove them. (To Mr. Cleary).—You have said to their lordships and to the Council here that there is a man called White, a District Councillor, who has a large holding adjoining yours, and there is no cottage upon him; have you said that to—There is no union cottage upon him.

53. What is the size of your holding; is not it only 49 acres to—I don't know that it is.

Do you hold nearly all the land in the district to

Lord Justice Holmes.—I see it stated here it was 200 acres.

Mr. Moriarty.—That is a most surprising thing.

Lord Justice Holmes.—I confess I doubt it very much, because that is not the class of man that is selected as district councillor, a man with 200 acres.

54. Mr. Moriarty.—Tell us about this offer of Dalton's. When did it enter into your head to charge the Guardians with spite toward you on account of holding Dalton's farm; you did not say anything about it at the preliminary inquiry at which you were examined to—I did not.

55. Now is not it a fact that you are more than 20 years in possession of Dalton's farm to—That may be. I said it more or less.

56. Is not it a surprising thing you should charge your neighbours with ill-feeling towards you in respect of this holding of which you have been in possession for 20 years to—I don't know. I had that feeling in my head all through.

57. You said nothing about it at the inquiry to—The question was not put at the inquiry.

You had no objection to these cottages being put on your land, and after that you are questioned, question 5579, page 37—"Have you anything to say about Albert? Have you any objection to give him a cottage to—No, I have no objection to give a cottage to anybody." Did you swear that to—I don't think I did.

58. Was Mr. Hurley, Chairman of the Council, present to—He was there.

Did he hear you say that to

The President.—It is recorded on the evidence.

Lord Justice FitzGibbon.—He seems to have been on the point that there was some personal objection to Albert.

Mr. Moriarty.—I suppose that is it.

Lord Justice FitzGibbon.—He was up after a decent time on the page before, he was up again, so he was recalled about some objection about Albert, and he was asked, "Have you anything to say about Albert? Have you any objection to give him a cottage?" and he said, "No, I have no objection to give a cottage to anybody." I take it, what he was asked about must have been a personal objection to a man. You don't want us to believe he had no objection to give cottages to everybody to

59. Mr. Moriarty.—No, but to any of those three labourers who were seeking to get cottages. There is no question that these men, Quinn, Albert and Sheehan, are ordinary agricultural labourers (To Witness).—Are not they living in these condemned houses to—Yes.

60. The President.—How do these men hold the cottages they are in now to—That is the mud cottages to

61. Are they your tenants to—£1 3s.

62. They pay £1 6s. a year for what they have got to—They do.

63. And they have small gardens about them to—Yes, £1 6s. for the house and the haggards with the house.

Lord Justice Holmes.—I would like to know something about this gentleman, if there is such a man as John Mahony.

Mr. Lynch.—Before the Inspector, when the Inquiry took place before Mr. Coffey, was there an application on behalf of a District Councillor Mr. O'Mahony to

Lord Justice FitzGibbon.—About this thing of other people he says now the three individuals we are concerned with are tenants of his own on his own place paying £1 5s. a year for a place unfit for human habitation. Therefore, does not it amount to this, he ought either to make the places they have fit for human habitation or the guardians ought to make them for them?

Mr. Lynch.—I think he is a little bit confused.

Lord Justice FitzGibbon.—Is he confused about the fact that they pay £1 5s. a year?

64. Mr. Lynch (to witness).—Where is Quinn living at present?—In a slated house, not in a mud cabin at all.

65. Is that the slated house that Mr. Leahy, who formerly had the farm, used to live in?—It is.

66. How many storeys high is it?—One storey high.

67. Is it a good house?—A very good house.

68. Do you know Mr. O'Mahony, District Councillor?—Yes. He is living in one of the cottages on my farm.

69. Is it one of the union cottages?—It is one of the union cottages.

70. Was there an application before Mr. Coffey, Inspector, on the part of the District Council to increase his plot from half an acre to an acre?—There was.

71. What became of that?—It fell through.

One of the people living in those union cottages is a man named O'Mahony. He is a District Councillor. One of the applications before Mr. Coffey, Inspector, was an application by O'Mahony to have the plot attached to his dwelling increased from half an acre to an acre. That, apparently, fell through, because, apparently, nearly all these applications fell through for the reasons that will appear in the report I will open to your lordships in a moment. I cannot open it on the direct examination of this witness, but your lordships will hear it in a little while.

Mr. Moriarty.—I don't know that I really have any case to meet here, my lord. I can produce the doctor to show that the place these people are living in is unfit for human habitation. I have John O'Mahony here. He is an ordinary agricultural labourer, and as such, I believe, is eligible to be a District Councillor.

Lord Justice Holmes.—He is a member of the Board of Guardians?

Mr. Moriarty.—I believe he is.

Lord Justice Holmes.—If so, is not he making a contract with himself? What is the result of that?

Mr. Moriarty.—I believe there is some way of questioning the validity of the letting. There may be a penalty. I don't know. But the three ordinary labourers, Quinn, Sheehan and Albert, are living in the condemned cottage on this man's land. The statute says they are entitled to—

Mr. Lynch.—At page 25 it goes on about the cottages in Newcastle West. Whole numbers of them, according to the report of the Inspector, are in the occupation of people who are not labourers at all, and he points out these the grass alone to which the Act is subjected in the district, and your lordships will see as these cases develop that a man named Rowan wrote to the Local Government Board complaining of the administration of the Act in Newcastle West, and he said this, that as far as the administration of the Act was concerned that it was nugatory as regards labourers, and they sent down to the District Council to know what they had to say, and what they said was, it was true, and your lordships will find that at page 30 of the report. Question 29 is, "There was a letter read from the Local Government Board on that day requesting the Council's observations on a letter received from Richard Jordan?—There was."

The President.—Why did not you open this as part of your case?

Mr. Lynch.—I could not give affirmative evidence of this except by referring to this. Perhaps I should have opened it. It was my fault. I ought to have done it perhaps, but I did not like to take up time. At page 25 he says at C, "The unquestioned testimony of District Councillor Murphy—"

The President.—Are not you going to read anything before that?

Mr. Lynch.—At the end of page 24—"The fact that the members of the Council were fully aware that in making so comprehensive a scheme they were exceeding their borrowing powers but that in face of this they have deliberately applied for an impossible loan, thereby giving false hope and expectations to numbers of labourers and throwing on the Inspector and the Local Government Board the responsibility of disallowing as a necessary large number of the applications, however strong might be the evidence in their support. The evidence of the really able and highly respectable chairman that there was some labourers included in the scheme who under no circumstances would get a cottage. Comment on this is unnecessary beyond the expression of my view that the proceeding was unjust to the labourers, unfair to the Inspector holding the inquiry, and certainly not very creditable to the Council. The unquestioned testimony of District Councillor Murphy and ex-District Councillor White that the Council did not really consider either the reasonableness of the representations or the equity of applying the particular sites suggested had fallen in with whatever the labourer pointed out. The culpability of the Council in allowing a number of cottages at Knockbane in the Newcastle Electoral Division to be occupied before possession was handed over by the contractor. The knowledge that in most if not all the Electoral Divisions there has been a reprehensible abuse of the provisions of the Act by allowing the tenancy of cottages to pass into the hands of non-agricultural labourers. The following are some specific instances of abuse as regards tenancy of the cottages." Then he gives a whole list of them, naming occupants who are a fireman, a carpenter, a cooper, a miller, a cooper, a railway worker, a mason, a carpenter, an old woman knitting stockings, a carpenter, and with reference to a case of a carpenter at Roadford, he says, "as an investigation of the tenancies held by the Council a considerable time since I observe that an order was made for the dispossession of this tenant, but the order has evidently not been acted on as he is still in occupation." If you look at page 30 you will see, question 28—"Are the cottages occupied by agricultural labourers?—We had an inquiry into that by the Council and they went minutely into every case, and they found there were only a few who were not agricultural labourers and dispossessed them"; then 28a—"Have you beside you the minutes of the Local Government Board of the 18th of April, 1901?—Yes, I can get it. There was a letter read from the Local Government Board on that day requesting the Council's

observations on a letter received from Richard Jordan?—There was. What was the ruling on it?—That the statements in the letter were correct. But how if the statements in the letter as you submit are correct—this says that, "no labourer has a chance of getting a cottage; it is only those who can make influence with a District Councillor?—That is a matter for the District Council."

Mr. Moriarty.—I cannot see how that touches the merits of this case.

The President.—Have you read all you want to read?

Mr. Moriarty.—I submit there is nothing in it touching the merits of this case.

The President.—I don't know whether you have read all this report.

Mr. Lynch.—I have read it all, but I don't wish to trouble the court.

The President.—That is not an observation to use because it is not a question of trouble in a matter of this kind. It is a most important inquiry.

Mr. Moriarty.—He means there is nothing further to be read.

The President.—I don't agree with you.

Mr. Lynch.—At page 25 in continuation of the report he says: "In view of these multiplied instances of abuse it will be a matter for consideration whether the Council can be authorized to carry through the present scheme until such time as they have satisfied the Board that they have taken effective steps for the correction of existing irregularities in the letting and tenancies of cottages. Having regard to the narrow margin on the command of the District Council for any further exercise of the powers conferred by the Labourers Acts I strongly urged on the Chairman both in his examination and in private conversation the desirability of abandoning so much of the present scheme as referred to the additional allotments. He and other of the more intelligent members of the Council are fully sensible that a mistake had been made in including some plots on a previous scheme but having given some labourers the larger area they felt unwilling or perhaps unable to resist the clamour for additional allotments." He adds "I think the mistake is much more serious than even they recognise. As a rule Councillors have no very intimate knowledge of the housing conditions outside their own particular neighbourhoods but on a very general and careful inspection of the whole district I am satisfied that there are—and will be even after this scheme—large numbers of mud hovels which it would be in the highest degree desirable to replace by district cottages. It seems a pity in view of all the circumstances that so very substantial a sum should be applied to the purchase of land for additional allotments while many labourers are still living under wretched conditions and when the borrowing power of the Council is so closely approaching the vanishing point. At best my experience is that this additional allotment in by no means an unshared blessing and all through the Newcastle district the prevailing idea with the tenants of district cottages—of whom by the way a very large proportion are men well into years—seemed to be that they wanted the additional plot for their support, so if all question of doing agricultural work for hire were out of consideration." And he goes on further and adds "I have found labourers occupying houses with which they have no well grounded cause of complaint basing their claim to a union cottage on one or more of the following reasons 'I have no security in my present house,' 'I want a plot of ground,' and 'my present house is none of my own.'"

Lord Justice FitzGibbon.—I presume the gentleman who signed that report did his duty by reporting against any of the cases to which those things applied. As a matter of fact how many cottages are new before us? How many were passed?

Mr. Lynch.—I don't know how many were passed but there are petitions against five or six cottages in the scheme. I know he rejected all the proposals for increasing the plots.

The President.—I don't know why you are not reading—"On a very careful consideration of the evidence and all the circumstances surrounding the scheme I am able to recommend 100 cottages and 135 additional allotments, though the latter I am very reluctant to include"—he gives the reasons on the preceding page in a passage you have read.

Lord Justice Holmes.—Can any one tell me how many cottages were in the scheme?

Mr. Green.—Two Hundred and Seventeen were proposed and Ninety-nine were authorized.

Lord Justice Holmes.—What would occur to me in this. This gentleman has given a very strongly worded report—I have no reason to believe at all too strongly worded—as regards what he saw, but if after making that report he had approved of the entire scheme I would have said that he was very inconsistent, but what he seems to have done was, with a considerable amount of reluctance but I am sure at the same time with a great deal of care he selected 99 from more than 200, and I don't think we could say as regards all of those 99 that they ought to be rejected, and we must deal with each of them upon the merits. Then the question arises as regards the particular case before us. What appears in the case before us is there are three labourers' cottages upon a very considerable tract of land and they want to get three more.

Lord Justice FitzGibbon.—I think this is a matter for the Local Government Board. We ought to know what action the Local Government Board have taken or what observation they have to make upon a report of this kind and yet this case was issued as if there were nothing at all out of the ordinary course. That is for the Board.

Mr. Moriarty.—It is very hard for me in the particular case.

Lord Justice FitzGibbon.—No one appears to have been briefed, either the Local Government Board or the opposition, as to what is in this report against you.

Mr. Green.—The Board have put into their order such cottages as the Inspector recommended.

Lord Justice FitzGibbon.—Have they made no observations on this report?

Mr. Green.—No.

Lord Justice FitzGibbon.—They never allow it in any way to bear on the question whether these applications coming forward here are to be passed or not; it is that what they call controlling the action of the Board through the country?

Mr. Moriarty.—I have heard since I entered the room that the general observations which were made by the Local Government Inspector refer to a condition of things that does not at present exist.

Mr. Green.—I understand that for each case in which existing cottages were abused there was a cottage rejected, so that if there was a labourer requiring a cottage in each of those cases they say that the District Council can put him into one of those cottages.

Lord Justice FitzGibbon.—Was any action taken about the contrast between the rents paid for those cottages and those paid for the mud hovels in the district?

Mr. Green.—I am not instructed. Of course your lordship is aware that the Local Government Board have no power over the rents. That is purely a matter for the District Council.

Lord Justice FitzGibbon.—I am quite aware of that, but if there is any foundation for the statements made by the Inspector the mode of dealing with these cottages with regard to rent seriously affects the efficiency of those cottages to supply the wants of the neighbourhood. In other words, it is a matter directly bearing on whether they should sanction any more, and they don't appear to have even made any remark on it.

Lord Justice Holmes.—We are dealing here with particular petitions, and if we were to disallow on a general principle one particular cottage or three particular cottages, we might for all we know be disallowing the most meritorious of them all. Therefore, as regards the three cottages before us we must hear the case on them.

The President.—We must hear the petitions before us.

Lord Justice FitzGibbon.—How far is it the case that the people for whom these allotments are now asked upon the lands of the objector are the same people who are already living on his lands?

Mr. Moriarty.—I understand the case to be this: Three men called Quinn, Sheridan, and Ahern—they are three men living in three condemned hovels on the land of James Cleary.

Lord Justice FitzGibbon.—Is it for them that these allotments are asked?

Lord Justice Walker.—Then they can throw down the other three.

Lord Justice Holmes.—There is no dispute as regards two of them. He says Quinn is living in a different sort of place altogether, in a slated house.

Lord Justice FitzGibbon.—It would occur to me that in any case in which you show there is a man living on this land of Cleary's in a place that has been condemned as unfit for human habitation, and what you are doing is providing a labourer's cottage for him—he being a labourer—that ought to satisfy the court that no matter what your records in other cases, you would be acting quite right in that.

Mr. Moriarty.—Further, if a man is living in a cottage without land attached, the guardians are entitled to provide him with a cottage with a suitable allotment of an acre.

Lord Justice Holmes.—What I want to know is about this man Quinn.

TIMOTHY QUINN sworn, examined.

72. Mr. Moriarty.—How long have you been working with Mr. Cleary?—I was working the last two harvests. Then he turned me away in the winter and would give me no employment.

73. When did he turn you away?—On the 36th of November, myself and three other labourers. He never called either of us back.

74. Lord Justice Walker.—Was that after the representation?—Yes. There is no more objectionable house from Dublin to Athens. There is no more dilapidated room in the whole of Ireland. As the storm broke the roof I went into a condemned house. My brother was sick with rheumatic fever, and there is another brother of mine married in this mud hovel.

75. Lord Justice FitzGibbon.—We thought your house was a slated house?—I took this other house. Some of it is slated. The water is pumping up through the floor.

76. Mr. Moriarty.—Were you working last winter making fences?—Last winter making fences for Mr. Cleary.

77. Mr. Lynch.—Are you living in a slated house or a mud cabin?—I am living in a slated house, some of it.

78. Lord Justice Walker.—Part of it is slated?—Yes.

79. Mr. Lynch.—How long have you been living there?—Since last September.

80. Mr. Cleary has sworn it is as good a house as he is living in himself?—That is a mistake.

81. You are a horse trainer at present?—No, I am an agricultural labourer.

82. Did you refuse to work for Cleary at the end of last year?—No.

83. How is it you left his employment?—He would give me no employment. I asked him for employment about the 1st of December and the last time I asked him was the 6th of January and he would give me none.

Lord Justice FitzGibbon.—At page 47 here is what the Inspector says in reply to the objection that there are large farms on which no cottages were erected—"This point was not raised at the Inquiry, and in view of the extent of land held by the Petitioner, and the fact that at least two of the applicants live in wretched houses on his lands to acquire the three additional sites did not seem to me unreasonable." You have already heard what has fallen from the Council with reference to those two, so confine yourself to showing if you can show that this man's present house is a proper house.

Mr. Lynch.—You will permit me to examine Mr. Cleary about that.

Lord Justice FitzGibbon.—He was asked about that already.

84. Mr. Lynch (to Witness).—What house did Dr. Ambrose see?—He saw the mud hovel.

85. Did he ever see the house you are living in now?—Yes, every day he goes to Athens.

Mr. Lynch.—Although Cleary offered Ahern a good house and offered to do anything he would like he would not have it. All he would have in a labourer's cottage.

Mr. Green.—Your Lordship was asking if the Local Government Board took any action with regard to this report. I now find they have a minute on the subject forwarding this report to the District Council, calling attention to the matter mentioned by the Inspector, and saying that, subject to the settlement of the matter of alternative sites, they would give instructions for the preparation of a Provisional Order for the Scheme, but they wished the Council to understand clearly that before issuing the Order they would require to be furnished with a report showing exactly what steps had been taken to put the tenants in each of the numerous cases of irregularity

already detailed into conformity with the requirements of the law. They have also called their attention to the fact of the rent being inadequate, and have pressed the Council very strongly to readjust the rents of the cottages so as to make them approximate more closely to the value of the benefits conferred and decrease the burden on the ratepayers of the district.

The President.—Has anything been done?—What is the date of that?

Mr. Green.—The 1st of October, 1903.

The President.—What has been done since?

Mr. Green.—I don't think we have been furnished with a report since.

The President.—Did you get any reply?

Mr. Green.—What they say is they require to be furnished with a report before they issue the order.

The President.—Has it been doing anything else?

Mr. Green.—I understand Mr. Coffey was sent down to report.

Lord Justice FitzGibbon.—Before the issuing of this Order?

Mr. Green.—The Provisional Order. Mr. Coffey was sent down to report, and did report that they had complied with the requisition of the Board.

Lord Justice Walker.—Where does that appear?

Mr. Green.—I am informed of it by the officer of the Board. Mr. Coffey's subsequent report. He says—"There is little doubt that the facts elicited by me at the Inquiry failed to establish the legality of the tenancies complained of in my general report of July 14th, but having now made exhaustive inquiries as to the circumstances of the condition of labour of the occupants of the cottages, I am satisfied they may be all regarded as legal tenants, taking into view the extended definition included in Section 93 of the recent Land Act. Of course, it is very difficult under the circumstances to determine the exact wages accruing in some of these cases, but I am fully satisfied that in no instance does the average here for the year exceed fifteen shillings for the week. A case which caused special anxiety was that of John Sheehan, in Cleungshan Electoral Division, who said at the Inquiry he occupied a farm. Documentary evidence has been produced to me to show that Sheehan's son is the real occupier; that he being away, his father works the land for his hire just as far any other farmer. Of the nineteen cottages in Kwockan, one is occupied by a farmer, two by van drivers, &c.; in no instance did the wages exceed fifteen shillings a week altogether. Therefore, I recommend that the Provisional Order may be issued without further query." That was Mr. Coffey's report made after subsequent inquiry.

The President.—In this particular case I am not going into the general topics which are urged with a great deal of force in this report, but this case is one relating to a very considerable farm in which there are three condemned houses, and in place of those they seek to erect on the same farm three good houses; that seems to be a correct attitude to take.

Mr. Lynch.—With regard to the house that Quinn occupies at present, our case is that it is a good house, and not a mud cabin at all.

The President.—We have the doctor, who is a very intelligent gentleman.

Mr. Lynch.—I submit that Quinn does not come within the definition "agricultural labourer."

The President.—It is very elastic, if he works at all.

Mr. Lynch.—He is in a cottage with a little plot of land attached to it, but he has in addition an acre and three perches of land separate from that. That is more land apparently than is contemplated by Section 93 of the Land Act in defining the labourer.

The President.—We will consider that. He would be a tenant then. But if there is any dispute that these houses have been properly condemned we will hear Mr. Moriarty.

Mr. Moriarty.—The Council desire me to say something in reference to what Mr. Lynch says, and perhaps at another time, when this particular Inquiry is over, you would allow me to say something upon a general charge of this kind, which I think is quite unfounded, and is made without any notice. We have got here a minute-book showing what was done when they read the Inspector's report.

The President.—We will hear any general statement, but we are not going to investigate this. It is not our duty; we have not the materials, and we will confine ourselves to dealing with each case on its merits, and will report in each case according to what is just. I mentioned to Mr. Lynch the broad attitude that struck me in this case, if this large farm had three condemned houses on it, which it was sought to replace by three proper houses, this was *prima facie* a correct attitude to take in reference to the administration of the Act.

83. Mr. Moriarty.—With reference to Quinn I am instructed he was living in one of these condemned houses up to the time he was displaced by Mr. Cleary, because he was one of the three persons seeking to get a cottage. Since then he was let into some place without any tenancy, into what Mr. Cleary calls a slated house. (To witness).—Where have you been living since Mr. Cleary got you out of the mud house?—In this old ruin of a slated house.

87. How do you hold that from him?—At 6d. a week. When I took it from him there was no door or window in it.

88. The President.—But there are some slates on the roof!—There are some, and I had to try to keep the water out.

It does not seem to be a very shewy house.

Dr. AMBROSE sworn, examined.

89. The President.—Tell us about those three houses!—Those three mud cabins are very bad houses, unfit altogether for human habitation.

90. Lord Justice FitzGibbon.—Has anyone gone back again into the house in which the last man was living?—His mother is in it.

91. It is still used as a habitation?—Yes.

92. Do you know the slated house into which he has gone?—I was not in it for years. I see it every day from the road. It was once a very good house. What condition it is in now I cannot say.

The President.—Which do you say is a fairly good house?

93. Mr. Lynch.—This house that is referred to by the doctor. (To witness)—You know Leahy?—Yes.

94. He was a large farmer?—Yes.

95. This house was a good house when you knew it?—Yes.

96. When last were you in it?—I was not in it for sixteen years.

97. Apparently so far as it looks from the road it does not look like a house with all the dates off?—There was a good many off.

98. The President.—When did you inspect the three houses?—For the scheme I inspected them in 1902.

99. Lord Justice FitzGibbon.—When you were making this investigation this man was living in a mud hovell?—Yes.

He left that. He appears to think he was put out of it because he signed the requisition, but what he says is his employer put him into this slated house, he paying £1 5s. a year. His mother is still living in the other place which is still used as a human habitation. We can hardly say that the place he is in is a labourer's residence.

Mr. Lynch.—It is suited for him, only one story.

Lord Justice FitzGibbon.—There is no land attached to the old farmer's house. I am sorry to say that there are a good many in that part of the country. There will be more if the taxation goes on increasing as it is.

The President.—I am satisfied that what the doctor says is true, that the three houses are not fit for human habitation.

Mr. Lynch.—These people would have nothing else but labourers' cottages.

Mr. Moriarty.—They are entitled to them. The object of the statute is to give them such accommodation.

100. Mr. Lynch.—I was going to ask Mr. Cleary a question about Ahern's house. (To Mr. Cleary)—You know this Ahern that is applying for the cottage?—Yes.

101. Had you any conversation with him about a house or giving him a house since he applied for the cottage?—Yes.

102. Tell the Council what it was?—I said I would give him this house that I gave Quinn if he went into it.

103. Lord Justice Walker.—The same house?—Yes, the same house.

104. Lord Justice FitzGibbon.—This was the old farmer's house that was in the place?—It is.

105. How had it been used before you offered it to the labourers the other day?—It was locked up. There was no recourse to it.

106. It was empty?—Yes.

107. How many years was it empty?—It was not, no, because Mr. Leahy's son, we did not put him out. We left him in the house and his family.

108. When did he leave it?—About two years ago.

109. The President.—Who was the man you were telling us about—one of the applicants you said had got another house and a small tract of land with it, is that one of these three?—It is Ahern.

Where is he now?

110. Mr. Lynch.—He lives in one of these small cottages. (To Mr. Cleary)—Where is the acre and three perches he holds?—Sheehan has that.

Mr. Lynch.—I submit under the definition of a labourer under Section 93 of the Act of 1903 that Sheehan is not a labourer, having the amount of land that is described. The expression agricultural labourer in the Labourers (Ireland) Acts, 1883 to 1896, and this Act shall include any person other than a domestic or menial servant working for hire, whose average wages for the year preceding the representation under the Labourers (Ireland) Acts, 1883 to 1896, affecting him did not exceed 2s. 6d. a day, and who is not in occupation of land exceeding a quarter of an acre. This man Sheehan has one of these cottages with a plot attached. In addition he has an acre and three perches of land, which he has held for years from Mr. Cleary, and under that definition—

Lord Justice FitzGibbon.—Is Sheehan one of the three?

Mr. Lynch.—Yes, Sheehan, Ahern, and Quinn.

Mr. Moriarty.—First of all this matter has not been proved.

Mr. Lynch.—Mr. Cleary stated it.

Quinn (the labourer).—Sheehan told me that this portion of out away bog he got some years ago from Cleary at fifteen shillings a quarter, or £5 an acre, and he gave it up to Mr. Cleary last March, when his term was up, and Mr. Cleary would not take it from him.

Mr. Green.—This section of the Act of 1903 has been interpreted so far by the advisers of the Board as introducing a new class of labourers, and the limitation of a quarter of an acre does not apply to men who were labourers under the old Acts.

Lord Justice FitzGibbon.—Yes, but you would hardly give an allotment of an acre to a man who already had more than an acre. I don't know what the Board is advised that would be in law, but it would occur to one that that was an arguable matter.

Mr. Green.—The only point in this limitation not exceeding a quarter of an acre would appear upon the reading of the section to apply to an additional class of labourers that was introduced by this section of the Act of 1903, and not to apply to labourers as existing under the old Acts.

Mr. Lynch.—At page 87 of the evidence Sheehan deals with this matter, at question 3402, where he is being asked about the land by the solicitor for Cleary. "Why don't you give it up to him?—Because I have not the best of it tilled. When will that be?—When you like. You are overholding an acre of his land?—I am paying fifteen shillings a quarter for that and I had to drain it."

Lord Justice FitzGibbon.—His case now as presented by Quinn is he was paying fifteen shillings a quarter, but he surrendered it.

The President.—What class do you say that is limited to?

Mr. Green.—The new class introduced. The expression agricultural labourer shall include any person other than a domestic or menial servant working for hire whose average wages for the year

preeding the representation affecting him did not exceed 2s. 6d. a day and who is not in occupation of land exceeding a quarter of an acre.

The President.—Does not that look as if there was an enlargement of the general definition?

Mr. Green.—Yes.

The President.—You say you have been advised it only applies to the new claim brought in by this Act?

Mr. Green.—Yes.

The President.—But does not it appear to be a qualification of the entire definition?

Lord Justice Walker.—Occupiers of land over a quarter of an acre in extent would appear to be omitted.

Mr. Green.—I have not advised this construction of the section and it is altogether a matter for your lordships, but it would appear that the definition shall include certain persons not formerly included.

Lord Justice FitzGibbon.—It may be very likely that the definition would not be a cast-iron rule, but at all events how can you say it could possibly be within the Act to make an allotment to a man as an agricultural labourer of an acre of land who already was tenant of more than an acre.

Mr. Green.—I don't contend that.

Lord Justice FitzGibbon.—If the Board were advised that that was the law it was not by you.

Mr. Green.—No, I was only stating what the Board were advised. With regard to the meaning of this section of course it is possible that anybody might err in construing a section.

Mr. Moriarty.—The identical case of land which the man held and which he wanted to give up but which is the very acre of land which the Council now seek to give him with the cottage, so that if your lordships now sanction this he will only have one acre altogether. The cottage is to be built on the very place that he holds.

The President.—Is not in addition but in substitution.

Mr. Lynch.—That does not get rid of my point, namely that this man occupies more than a quarter of an acre, and he is excluded by the section and not entitled to get a cottage.

Lord Justice FitzGibbon.—Mr. Moriarty's contention would be that this is to erect a residence on the farm which he already holds without a house.

Mr. Lynch.—By a man who is defined not to be a labourer under the Act.

Mr. Moriarty.—The very questions Mr. Lynch refers to—"Why don't you give it up to him?" Because I have not the last of it titled: When will that be?—When you like. You are over-holding an acre of his land?—I am paying 15s. a quarter for that and I had to drain it. Is there a word of truth that you are paying him a farthing for it?—I am paying him 18s. a quarter for it. Mr. Daniel Leahy, Solicitor.—Is that true, Mr. Cleary?—He gives me some work for it. He holds it on the precarious tenure of giving work for it, and it is thus very acre of land which it is proposed now to give him as a tenant labourer and to put a cottage on it.

The President.—Is that the whole case?

Mr. Moriarty.—Except that Mr. Leahy tells me this man surrendered this acre of land to Mr. Cleary last March and he would not take it up pending this inquiry.

Lord Justice FitzGibbon.—He was not bound to take it in March.

Mr. Moriarty.—That is pending this inquiry in order that he might be able to make this point of law. If he was only to hold it while working for Mr. Cleary, and he surrendered it. And this evidence was taken in 1902.

Lord Justice FitzGibbon.—He was there under regular rent.

Mr. Moriarty.—To be paid for by labour. From the way in which this case has shifted about it is hard to follow it.

The President.—I don't think Mr. Lynch has shifted about. There are many points of view.

111. Mr. Moriarty.—I had no opportunity of questioning Mr. Cleary. (To Mr. Cleary)—this man Shreehan, is that the man we are talking about?—Yes.

112. He had an acre of ground from you?—Yes.

113. He has?—Yes.

114. Was he to give you work for it?—No.

115. How much was he to pay as rent for it?—15 shillings a quarter.

116. Was not it in work?—No.

117. How did he pay the 15 shillings a quarter?—When he was idle he gave me work and so on, and at other times he gave me money.

118. Was it in money and work he paid you for it?—Yes.

119. When did his tenancy cease?—It did not cease yet.

120. It is still going on?—It is. He would not give it up to me.

121. Did not he offer to give it up last March?—No.

Mr. Green.—I think I ought to call your lordships' attention to the fact that if this limitation in occupation of land not exceeding a quarter of an acre is an absolute bar it would prevent any additional half acres from being secured.

Lord Justice FitzGibbon.—I don't think it is an absolute bar.

The President.—I don't think it is because to the half acre there is statutory permission to add another half acre.

Lord Justice Walker.—It is by virtue of his status he gets the permission.

THE PRESIDENT.—We disallow the objection as to two of them and allow it as to Sheehan, but we won't give any costs.

LORD JUSTICE FITZGIBBON.—107 and 113 are passed, and 108 is rejected.

OBJECTIONS of VINCENT NASH and FRANCIS SHEEHY to the erection of two cottages on the Townland of Garbally, Electoral Division of Kilmeeley.

Counsel for Objectors, Mr. Lynch, instructed by Mr. Robert Cusack.

Mr. Lynch.—As these are practically the same it would be better to hear the two of them together. The objection of Sir Vincent Nash is this, that the owner of the property was not served with any notice, and I propose to give your Lordships evidence as to that.

The President.—We are very reluctant to go into this, but if you prove clearly that there was no notice at all—

Mr. Lynch.—Beyond all question there was no notice. Notice was served on Mr. Welpley, head agent over other estates. Mrs. Hennessy is the owner of this land and Sir Vincent Nash is her agent.

—PLUNK, sworn: examined.

122. You are in Sir Vincent Nash's office?—Yes.

123. You know Mrs. Sheehy, widow of the late Sir George Sheehy?—Yes.

124. Do you know who is owner of the land we are dealing with in this Petition?—Mrs. Dr. Hennessy.

125. What is her address?—Fitzwilliam-square or Fitzwilliam-place, Dublin.

126. Were you served with any notice of this application to take any part of these lands?—No.

127. Garbally is the denomination?—Yes.

128. Did you make inquiry into this matter and find whether notice had been served on anyone?—I made inquiry and found another agent had been served who had nothing to do with the property.

129. That is Mr. Welpley?—Yes.

130. He has nothing to do with the property?—Yes.

131. Sir Vincent alone collects the rent?—Yes.

132. The President.—You got no notice?—No.

133. You are one of the principal men in the office?—Yes.

134. You are aware of all the notices that go through your hands?—Yes.

135. You would know all the notices that come into the office?—Yes.

136. Would you be in the habit, in the absence of Sir Vincent Nash, of opening the notices and seeing them?—Yes, and as a rule, I am the person sent to make the sites proposed to be taken on the property.

137. Mr. Lynch.—I suppose you are the principal officer?—Yes.

138. Are you in a condition to say from your knowledge of the work of the office that no notice was served?—Yes, because I made inquiry from the other men, and besides I would be aware if anyone else was sent because the entry of the expenses would come under my notice.

139. Who is Mr. Welpley?—He is agent for another property.

140. Do you know that he was served?—Yes, I was at his office.

141. Did you know before the inquiry that the notice was served on him?—No.

142. Lord Justice FitzGibbon.—When did you find out he had got it?—About a week or ten days ago.

143. Not until after the inquiry was over?—Yes.

144. Mr. Moriarty.—I might tell you here what happened in this case. I will only call your attention to some of the evidence which was given at the inquiry, but I will first ask this gentleman some questions. Was this Mrs. Hennessy you say is owner of the land, was she a Mrs. Sheehy?—She is some relation of the family.

145. Was her name Sheehy?—That I could not say, but she was Mrs. Hennessy when Sir Vincent Nash was appointed her agent.

146. Is it because you know nothing about the family you are produced here?—I do know, because I am sent in the employment of Sir Vincent to investigate holdings, receipts, and other matters.

Mrs. Sheehy is niece of George Sheehy, who was the occupier of this holding. Frances Sheehy is widow of George Sheehy. Mrs. Hennessy is the first cousin of E. B. Sheehy, whose representatives were served through Mr. Welpley, the land agent, and Mr. E. B. Sheehy's representatives appear in the valuation book as the owners of this land, and, therefore, within the statute they would be the reputed owners for the purpose of the service. Moreover, if your lordships will turn to the petition—

The President.—You treat Frances Sheehy as the occupier?

Mr. Moriarty.—Yes. She is the widow of George Sheehy, Mrs. Hennessy was the niece of George Sheehy, of whom Frances is the widow.

Mr. Lynch.—My friend is wrong about that.

Lord Justice FitzGibbon.—How does the service of a person's first cousin, because she happens to be a widow under a different name, make it good service?

Mr. Moriarty.—It was Mr. George Sheehy got the notice from Mr. Welpley and he appeared at the inquiry, and your lordships will see at page 41, near the bottom of the page, question 5426, Mr. Bryan Sheehy, who is now here with George, both got notices. He is cross-examined.—“You are the occupier?—Yes. And you come here now not representing the occupier but the person you pay the rent to—I represent both parties.” That is, he represented the owner as well as the occupier.

Lord Justice FitzGibbon.—That is not what brought it in. He is asked “The landlady of this land, where the two cottages are proposed to be put upon you is Mrs. Lombard Hennessy?” to

which he says, "Yea." Then he is cross-examined—"You are the occupier?—Yea. And you come here now, not representing the occupier, but the person you pay the rent to?—I represent both parties."

Mr. Moriarty.—So he does.

Lord Justice FitzGibbon.—You want to make out that the service on the occupier, who says he appeared as occupier, good service on the landlord, because the occupier says he represents the landlord. That is not usually the way.

Mr. Moriarty.—That is not what I want to make out all.

Lord Justice Holmes.—Who do you say is the owner of the lands?

Mr. Moriarty.—The owner of the lands, they say, is Mrs. Hennessy.

Lord Justice Holmes.—Who do you say is the owner?

Mr. Moriarty.—We say the representatives of Mr. E. B. Sheehy, for whom Mr. Welpley is the reputed agent.

Lord Justice Holmes.—Who is the individual you say is owner of these lands?

Mr. Moriarty.—Mrs. Hennessy.

Lord Justice Holmes.—Could not you have said that at once?

Mr. Moriarty.—I could not say that. I can only answer what is put forward by the other side. The section of the statute enables the District Council to serve the reputed owner.

Lord Justice Holmes.—Who is the reputed owner?

Mr. Moriarty.—The reputed owner is the widow of the late Edward Burke Sheehy.

Lord Justice Holmes.—What is her name?

Mr. Moriarty.—Mrs. Sheehy, but her representative is Mr. Welpley.

Lord Justice FitzGibbon.—How does a man's widow come to be the reputed owner?

Mr. Moriarty.—The son of Edward Burke Sheehy has been made a ward of the Lord Chancellor, and his widow, Mrs. Sheehy, has been appointed by his lordship guardian of the person and property of the minor, and Mr. Welpley has been appointed by the Lord Chancellor Receiver in the matter.

The President.—I cannot in a minute recall all the people under my care.

Lord Justice Holmes.—If we are inquiring into the question of service the first question we must ascertain is who is to be served? You say the reputed owner is a lady called Mrs. Sheehy? Then you must show how she is the reputed owner.

Mr. Moriarty.—She is the reputed owner because the owner was Edward Burke Sheehy, the person appearing in the valuation book in respect of those premises, and he being dead, Mr. Welpley is the agent and representative of the widow.

Lord Chief Justice FitzGibbon.—How did Mrs. Hennessy come into it?

Mr. Moriarty.—Really I don't know.

147. Lord Justice FitzGibbon.—What is her title to it?—(Witness).—She appointed Sir Vincent Nash

148. How long has he been acting?—Six or seven years.

149. Whom did she succeed?—I don't know. She was in possession at the time.

Lord Justice Walker.—She is the person to be affected by any order made.

Mr. Moriarty.—I think it was to meet the difficulty when there was a shifting ownership of this kind.

Lord Justice FitzGibbon.—Was there? There was not a particle of evidence of shifting ownership.

Lord Justice Holmes.—The only evidence of ownership we have up to the present is that a lady called Hennessy has been in possession of the rents and profits for six or seven years. That is *prima facie* evidence of her being owner and of her being reputed owner also. I would say if you can disprove that it is all right.

Mr. Moriarty.—Page 83 of the last edition prescribes service of notice on every owner, reputed owner, lessee, reputed lessee, and occupier, so far as these persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily.

ANDREW BRYAN, sworn, examined.

149a. Mr. Moriarty.—Are you Clerk of the Rural District Council?—Yea.

150. Was it your duty to prepare and cause to be served the notices for the purpose of carrying out this scheme?—It was.

151. You took the names from the valuation book in each case?—Yea.

152. In which you found the occupier and also the immediate lessee?—Yea.

153. And in this particular case did you find the immediate lessee put down as Edward B. Sheehy?—Yea. Edward B. Sheehy.

154. Did you know that Mr. Welpley was the agent for Mr. Sheehy?—We found he was the agent for Edward B. Sheehy.

155. And for his widow and son since his death?—Yea.

156. When did he die?—He was dead at that time. It was in the rate book the representatives of Edward B. Sheehy.

157. Living in the district did you ever hear of Harriet Lombard Hennessy as being owner of these lands?—No.

158. Who was reputed owner of these lands in the neighbourhood?—The only one we could get at was the one in the valuation book.

Lord Justice Holmes.—What was the date of the service of the notice?

Mr. Moriarty.—The 13th of August, 1909.

Lord Justice Holmes.—Was the man dead at that time?

159. Mr. Moriarty.—No, he died in September. (To witness).—And Mr. Welpley was served?—Yea.

160. And Mr. Welpley was his agent?—Yea.

Lord Justice FitzGibbon.—And had nothing to do with the place then according to the evidence.

Mr. Moriarty.—But still he was the reputed owner.

Lord Justice FitzGibbon.—A man cannot be the reputed owner by persons simply saying he was the reputed owner. The gentleman says he had no repute except what he got in the rate-book. I suppose probably the thing goes back to a long period, and some share of a child was divided, and they having no direct owner to go by still put down the representatives of Edward Sheehy in the rate-book.

161. Mr. Moriarty.—Did Mr. Welpley acknowledge this notice?—Yes.

162. And he objected on the part of the various owners?—Yes.

Lord Justice Holmes.—If you produce Mr. Welpley he may throw some light on it.

Mr. Moriarty.—The Supplemental Report of the Inspector at page 48 deals with it in this way:—“The ownership in this case appears to be somewhat complicated, but the District Council served the usual notices on the reputed owners the representatives of Mr. Burke Sheehy. Mr. Welpley, the agent, acknowledged the receipt of notices, and ‘on behalf of the various owners, dissented.’” I would like to ask this man, Bryan Sheehy, who is here, who is opposing the scheme, and I dare say has got Mr. Nash to petition against it, a question or two.

163. Mr. Lynch.—You know the late Mr. Burke Sheehy?—Yes.

164. He lived in Drumcillibert?—In Port William, in the County Cork.

165. You knew the late Major Sheehy?—Yes, he is living.

166. You knew the late Mr. George Sheehy, whose widow is petitioner here?—Yes.

167. Do you still insist on conveying to the Council that the lands of Garbally—it is on the lands of Garbally it is proposed to have these sites—do you mean to convey to the Council that the landlord of that is Mr. Burke Sheehy?—I mean to convey nothing only what I have said.

168. Do you mean to suggest that the landlord of Garbally was Mr. Burke Sheehy?—He must have been at one time.

169. How long ago would that be?—I could not say. It continued in the valuation book so long that I don't know. I could not say how long it continued.

BRYAN SHEEHY sworn, examined.

170. Mr. Moriarty.—Are you the son of Francis Sheehy, who is petitioning against the cottage?—Yes.

171. You appeared at the inquiry?—Yes.

172. Who is Mrs. Leonard Hennessy?—She is my first cousin.

173. She was a Miss Sheehy?—Yes, about twelve years ago.

174. But she still belongs to the Sheehy family?—Yes.

175. And takes a great interest in it?—Yes.

176. And did not you communicate with her the name of the proposed occupant for this cottage on her land?—No, I never communicated.

177. Did you get notice from Sir Vincent Nash?—No.

178. What did you do with the notice?—I will explain it. Just the day I was in Newcastle, going into Newcastle about these cottages, I saw Sir Vincent Nash, and I asked him did he get any notices, and he said he did not. I said the cottages would be on to-morrow, and he said “Anything you can do, you can oppose on my behalf.” So I came in that evening and asked Mr. Welpley did he get any notices, and he said he did. It is Edward Burke Sheehy, Edward Bryan Sheehy, and another Edward Bryan Sheehy. There are three Sheehys on that estate since 1870.

179. Before you went to the local inquiry you saw Sir Vincent Nash?—Casually.

180. He is the agent of Mrs. Harriet Hennessy?—Yes.

181. You told him you were going to Newcastle to oppose the cottage?—No, I beg your pardon, I was going out in another case.

Did not he tell you to oppose?

Lord Justice FitzGibbon.—He told you distinctly he did not know whether he had any notice of it or not, and that he was to oppose in any case in which he had a notice.

182. Mr. Moriarty.—Did you tell Sir Vincent Nash that the Guardians proposed to put a cottage on your land?—I won't answer that question without an explanation.

183. Lord Justice Holmes.—You have asked him three or four questions and won't allow him to answer?—I am committee of a case in lunacy, and I went in to oppose two cottages for the next-of-kin, and I represent both parties, and casually going out I met Sir Vincent Nash and told him this matter was on, so then the two cottages came on.

184. What did he say?—He said he did not know whether he got notice or not, and he said, anything he could do he would do for me.

185. Mr. Moriarty.—Did not Mr. Welpley when he got the notice send it to Sir Vincent Nash?—Never.

186. Where did you get the notice?—I got it from Mr. Welpley. Mr. Welpley has written on this notice “George L. Sheehy. Not on Mrs. Sheehy's Estate.”

Lord Justice FitzGibbon.—The note originally is “George L. Sheehy. Not on Mrs. Sheehy's Estate. Not acknowledged.” How on earth did that make service? Here is the letter “Limerick 27th June, 1904; Sheehy's Estate; Bryan Sheehy, Esq.; Dear Sir, I enclose notices re labourers' cottages, dated 8th June, 1903, with reference to plots 125 and 126 which have been received by me.” That is two days ago.

Mr. Moriarty.—Did not Sir Vincent Nash tell you he did not know whether he had received notice or not?

Lord Justice FitzGibbon.—Surely the other gentleman said the same thing. They discovered it was in Welpley's office, and they sent it to him.

Mr. Moriarty.—Then Sir Vincent Nash authorized him to appear here and oppose the erection of the cottage.

THE PRESIDENT.—No one is to blame. It is just one of these mistakes that sometimes honestly occur, but the objection taken by Mr. Lynch in the performance of his duty appears to be well founded. Therefore we cannot go on with the case. I suppose we must allow the objection with costs. One set of costs in the two cases.

PETITION OF WILLIAM COLBERT against the erection of a cottage on the Townland of Templesthen West, Electoral Division of Glengowen.

Counsel for Objector Mr. Jefferson, instructed by Mr. John Condon.

Mr. Jefferson.—The Petition sets forth that the applicant, a man named Timothy McCoy, is an unmarried man; that he does not require a cottage; that he at present lives in what is a good habitable dwelling-house, that he had a good habitable house on Petitioner's land, but left it to go reside with his mother; that he would be an undesirable tenant for a cottage, as he has frequently been in trouble with the police authorities, and has frequently been convicted of drunkenness and assault, and that he actually assaulted Petitioner in the present year, in the month of April; that already on Petitioner's and other holdings there is sufficient house accommodation; that the field in which the cottage is proposed to be erected is used as a training ground for young horses; and that Petitioner would suffer great loss if it were taken from him under the Scheme. The way the matter stands is—Petitioner, Mr. Colbert, has undoubtedly a large farm of land there, but on that farm he has at present seven labourers' cottages. Six of these labourers' cottages are at present occupied; five of them by men who are in the constant employment of Mr. Colbert himself, and who give employment the whole year round. The sixth cottage is in the occupation of the widow of an old labourer who died in his service, and whom he does not wish to turn out as long as she lives, though she is not an agricultural labourer. The seventh cottage, as he will tell your lordships, is really a good cottage, slated, with good accommodation, and he is unable to get labour for it. And this man actually lived in a cottage on Mr. Colbert's land, and he left it to go live with his mother. The mother and the applicant in this case, and another brother of his called Thomas McCoy used to live on Colbert's land, and Thomas McCoy has applied to get a cottage under the present Scheme, and, as I am instructed, he and his mother also, and Timothy McCoy, the present applicant in this case, are all living in this new cottage together, and work the thing together, and Thomas McCoy is also in Mr. Colbert's employment, but he is not a desirable man either.

WILLIAM COLBERT, sworn, examined.

187. Mr. Jefferson.—How many acres of land do you farm round about Athen?—About 380 statute.

188. I think a great deal of it is mountain land?—Yes.

189. How many labourers' cottages have you on your land?—I have seven.

190. How many are at present inhabited?—Six.

191. Are five of them inhabited by agricultural labourers—men who are in your employment?—They are.

192. In constant employment?—Yes.

193. The sixth is occupied by an old woman?—It is. Her husband died, and I did not wish to remove her as long as she would live.

194. The seventh cottage is unlet?—It is a good slated cottage, two storeys high.

195. Who built these cottages?—I built the whole of them.

196. How long ago?—At the time of the first Scheme. They wanted to put three cottages on me.

197. They are all built since 1884?—Yes.

198. How much did you expend on those cottages on an average?—One is a large cottage, two storeys; it cost a couple of hundred pounds.

199. The other six—what did they cost on an average?—Between £60 and £70.

200. Are they in good sanitary repair?—They are plastered inside, and very comfortable houses, and they are flagged, and the bedrooms are converted.

201. This man, Timothy McCoy, for whom they require the cottage, has he been working for you?—Very indifferently. He would work on an average about two days in the week, never more than three days in the week.

202. The President.—Would he be resting the rest of the time?—He is addicted to drink.

203. Mr. Jefferson.—As a matter of fact has he been convicted several times of drunkenness and assault?—Yes, and he assaulted myself lately.

204. Was he drunk at the time?—He came in the evening when the men were going away and wanted to feed the horses in the yard, and I got word he was outside feeding the horses. The horses were fed at the time, and I followed him and removed the feeding away. I did not want to give two feeds to the horses. I told him to go home as the men were leaving for their homes. He asked me was he drunk, and I said "The work for the day is done. Go to bed and sleep and come up in the morning." He said he was not drunk at all, and I was drunk. "You know very well," said I, "I was never drunk except from spring water, because I take no drink."

204A. What did he do?—He followed me into the dwelling-house into the kitchen, and went through the house, and I went to get into the yard for fear he would feed the horses. He was shoving me about in the kitchen and stables, and I told him finally I would send for the police if he did not get away, and only then he went away. He did not return to work since.

205. Lord Justice Holmes.—Did you summons him for that?—No; I am thirty years a large employer and I was never in court with a servant, and I lived on the best of terms with them always.

206. Mr. Jefferson.—You are a magistrate of the county yourself?—Yes.

207. Where is this man living—where is the house his mother and himself live in?—He is living in another electoral division where he always lived, and has family formerly—my electoral division in Glengowen.

208. Do you know the house in which he and his mother live?—Not very well. I was never in it.

209. Had he lived on your land, he and his brother Thomas and his mother?—For some years yet.

210. When did he leave?—He left some four years ago.

211. Can you tell me the reason that they left; did they quarrel with the neighbours?—They lived in a cottage, and they quarrelled with the workmen who were living in the other end of it, and they were going to the petty sessions very often, and they took me into it as a witness.

212. As a matter of fact, one of them, Thomas, had fourteen convictions against him—the last on the 28th of April last?—Yes.

Lord Justice Holmes.—Is that the man looking for the cottage?

212a. Mr. Jefferson.—No, his brother. There are three convictions against the man seeking the cottage—on the 5th of September, 1900, for being drunk, a fine of 2s. 6d. or 7 days; the next is for an assault on a relative of this man, Winifred Dempsey—who is she?—She is a cousin of my wife's.

213. And he is sentenced to be imprisoned in Kerry Jail for a period of one calendar month, to be kept to hard labour, on the 28th of November, 1900. The next conviction is also of the same date for assault on Daniel Hickey—he is sentenced to one calendar month's imprisonment to run concurrently, who is Daniel Hickey?—He is a brother to Winifred Dempsey.

214. You told us you have a vacant cottage?—Yes.

215. Have you been trying to get a suitable tenant for that?—I have.

216. Lord Justice Holmes.—Is that the large cottage?—No.

217. Is that the one you laid out £60 or £70 on?—Yes.

218. Have you a tenant for the big one?—I have set all only that one.

219. Mr. Jefferson.—All occupied by your own labourers?—Yes.

220. You give these cottages free to your own labourers?—Yes. I never got a penny rent. All they give me is the preference of their labour. I give them ground for pigs and geese; I give them barns to go to fairs, and gardens for cabbage and potatoes; and I give them milk and everything to accommodate them.

221. President.—How much land have you?—I have two farms. One is 149 statute and the other is about 200 statute acres.

222. Mr. Jefferson.—About 360 statute acres. You know where they propose to put this cottage on you; I believe you have gone in for breeding horses lately?—Yes.

223. In that field do you train those young horses?—Yes—the best class of hunters.

224. Is it a large field, that field?—Yes; the portion adjoining the road is a black surface, and is the only one at this time of the year a horse could gallop in. The other portion is not fit just now.

225. As a matter of fact, how many young horses have you in your possession at the present moment?—I have twenty-six, young and old.

226. Mr. Moriarty.—Your objection at the inquiry was on the ground of the character of this young man, was it not?—Maybe it was.

227. Did you read the Supplemental Report, page 47?—I did not read that Report.

The Petition states that the proposed tenant of the cottage and plot on Petitioner's lands would not be a desirable one for him, as he has been frequently in trouble with the police authorities. The answer to that in the Report is—"Up to the end of 1900, the applicant, though in the employment of Mr. Colbert, who is a Magistrate of the county, appears to have been intemperate, and when under the influence of drink quarrelsome, but for the last three and a half years his conduct appears to have much improved."

228. Lord Justice FitzGibbon.—What was the date of this performance in the stable?—The 26th of April last.

229. That is, since the report there is a release?—He was drunk since, though not convicted.

230. Mr. Moriarty.—The second point in the Inspector's report is—"The house accommodation on Petitioner's holding would, according to his own evidence, be only available for a labourer whose wife would be bound to assist in the milking of his cows." Then, as to the third point about the field being used for training young horses, he says—"There was no evidence on this head at the Inquiry, and I do not think the objection is substantial; the field on which the cottage is proposed to be built is a very large one, and, as a matter of fact, when in the district recently I saw Petitioner's horses being trained in a different field. This may be simply accidental, but the fact remains." This young man is the worst young man in the world?—You say a different field. It is in the one field always, because I have no other field. There is a passage running through the field.

231. This young man is a very bad young man?—Very quarrelsome when in liquor.

232. And you have very valuable young horses?—I have.

233. And hunters?—Yes.

234. And you are a well-known exhibitor at the Horse Show held in August every year?—No. I exhibited only at the last Horse Show.

235. You had some very valuable horses on that occasion?—I had.

236. Was Timothy McCoy the man you sent in charge of them?—I had to take him up at the last moment because another man did not turn up, and it was a very unfortunate thing that I did because I did not sell the horse on his account. He went up on the horse and fell down without any cause whatever, and the judge saw him and put him out.

237. Was that because he was drunk—the fault of the horse or the man?—The man was scarcely ever up on a horse before.

238. Was it McCoy's fault he fell off?—Certainly. The horse was as docile as could be.

239. You put McCoy up on this horse?—I could not help it.

240. What difficulty was there in getting anybody in Dublin to ride it?—It could not be done.

241. Do you suggest he was drunk?—I do not.

242. Has this man been in constant regular employment for the last fourteen years?—He works for me whenever he cannot do better.

243. Does he ever work for anybody else during the last fourteen years?—I think so.

He was in jail in November, 1900; the three convictions are connected with the one matter?

Mr. Jefferson.—The first was in September and the other two in November.

244. Mr. Moriarty.—They are all in 1900?—I wish to say he is not working for me regularly. He left my land in the year 1898, or thereabouts, and did not work for me or any member of his family, until last August. He was four or five years away.

245. Lord Justice Holmes.—I understood you to say in your direct examination that he worked with you no more than two or three days in the week?—That is, when he did work.

246. The reason was he was interposed?—That is, since his return, but there were five or six years that he did not come near me at all.

247. But latterly when he does work does he do a full week's work?—Not one week with another. From the middle of December until the end of April he only worked fifty-four days altogether, and that would not average three days in the week.

248. You would have work for him if he came?—I would want men to work regularly for me because it is perfectly useless to come a day unexpectedly. When he is drinking parter he cannot come in the morning, and that was the result.

249. Mr. Moriarty.—With respect to those houses is there any land attached to them?—No, but I give fresh gardens to my men every year, and while those men remained on the land, the McCays, they never set potatoes or a plant of cabbage as all the other men did every year but them.

250. When you were before the Council here some years ago, and petitioned against cottages being put on your farm, did you give an undertaking to the Council that you would build cottages with plots of ground attached?—I gave an undertaking to build cottages, but the men that are living in these cottages would not take a plot of ground with the cottages because it is vastly more valuable to get a new garden with the cottage every second year. I let them into a new field and let them take two crops of potatoes. If they had to till one poor garden always it would be no use in my part of the country. They have my own manure, and I bring sand sixteen miles away, and I bring lime just as far, and they get manure, lime, farmyard dung into their gardens from my own house.

251. Lord Justice FitzGibbon.—How do you use that after the potatoes are taken out?—I set out crops and lay it down again.

252. Mr. Moriarty.—You would not regard a character from the Parish Priest of the district as being of any consequence at all?—I would say nothing to that.

253. I have got two characters here from Father Quane, the Parish Priest?—I will say nothing about Father Quane.

254. Do you think he is likely to certify anything false about this young man?—I will say nothing about Father Quane.

255. Why will you say nothing about him?—I will tell you if you like.

The President.—You had better not go into that.

Mr. Moriarty.—I submit that there is a substantial, equitable, just and necessary case here for the purpose of having this cottage put on this man's land on this particular farm.

The President.—Do you say for this particular man?

Mr. Moriarty.—For this particular man. Your lordships will hear both sides of the case. If I am instructed properly Mr. Colbert has grossly exaggerated the faults of the young man.

The President.—The Inspector puts it very temperately, and says that for the last 3½ years his conduct is much improved.

Mr. Moriarty.—My lord, it appears he was on the spree—

The President.—A casual thing is one matter, but a course of conduct for years—

Mr. Moriarty.—The best answer is what he will tell you himself, that he has been for 14 years in this man's employment continuously.

The President.—The objector said he remained away altogether for four years.

Mr. Moriarty.—I am only outlining to your lordship the evidence that I am going to present.

The President.—Mr. Colbert's main point is that this man is a person whom it is undesirable to have coming here.

Lord Justice Holmes.—And another important point is that having built these cottages he has a good one that he cannot get anyone for.

Mr. Moriarty.—The cottage now on the land is not the sort of cottage that the statute contemplates.

JAMES D. LEAHY sworn, examined.

256. Mr. Moriarty.—That is your map?—Yes.

257. That parallelogram is the proposed site?—Yes. (Witness explains map to Committee.)

258. You were at the local inquiry, were you not?—Yes.

259. Was there anything said about this field being used as a training ground for horses?—I don't remember. I don't think so.

260. Do you know the farm?—I have never been right through it, but I have driven hundreds of times by it.

261. Is not any other field equally suitable for the purpose?—I would say so.

262. The President.—I suppose it is a fine big field?—It is a large field.

263. Mr. Moriarty.—What is the size of it?—About 20 acres with the adjoining field into which there is a passage. There are several large fields.

264. Would each of them be equally suitable for galloping horses?—I would say so.

265. Lord Justice Walker.—Do you know whether one is marshy or wet?—I could not say that.

Lord Justice FitzGibbon.—What he said was that this is the only field with a black surface at this time of the year, if that is true.

The President.—20-acre fields are not so very common.

Mr. Moriarty.—20 acres would remain if one were taken, and that would be enough for galloping horses on.

TIMOTHY MCCOY sworn, examined.

266. The President.—How old are you?—I am about 30.

267. Mr. Moriarty.—You appear to have been in trouble with the authorities. In the year

1900 you appear to have been in jail?—Yes. I remember to have a dispute with the young man Hickey in the village of Atha, and his sister came into the row and got hurt, and she summoned me for assault and I got a month in jail.

268. Was that the only time you were ever in jail?—That is all.

269. Are you a drunken fellow?—No, I am not.

270. Are you a sober man?—Yes.

271. Did you get this character from Father Quane, your Parish Priest?—Yes.

272. Are you a sober, steady man?—Yes.

273. He says you are. Did you ever give any impertinence to Mr. Colbert?—No.

274. How long have you been working for him?—I have been working for him for 14 years. I never missed a year out of the 14 years. I might be away for a month. I never missed a harvest for the last 14 years. My mother and brother were in his employment up to the time he discharged me.

275. That was only two months ago?—Yes.

276. What did he discharge you for?—He did not tell me.

277. You were not drunk?—No.

278. Did you give him any impertinence?—No.

279. Was it on account of your coming here?—I don't know any reason except going for the cottage, that he said I had a right to go put down a cottage on any man that would not oppose me, and that he would oppose me to the last.

280. Then he dismissed you?—Yes.

281. Is it true you only work two days in the week?—It is not. I have men in court that can prove they worked with me several days in his employment.

282. About last August, at the Horse Show, Mr. Colbert says he had to take you at the last moment because somebody else disappointed him; is that true?—It was not true. He could look out for a man if he wanted him. He had time enough.

283. Are you a man who was always looking after horses for him?—Yes, I was looking after them since, up to the time he discharged me.

284. How did you come to fall off the horse?—I am not a horse dealer. I am only an ordinary man accustomed to horses in a stable.

285. You were not a jockey?—No. Of course I told him before we left that he had no right to be taking me to Dublin that I did not know as much about horses.

286. Then he put you up and you fell off and he said you should not get a cottage?—He has eight children and my mother nursed every one of them, and he had two the last time and she cared them.

287. Mr. Jefferson.—What year did you cease living on Mr. Colbert's land, you and your mother and brother?—I don't know the year.

288. About 1898?—I think so.

289. From that date to August last year did you ever do a day's work for Mr. Colbert; on your oath?—Certainly.

290. Did you hear him swear from the time you left in 1899 or 1898 down to August of last year you never did a day's work?—I did.

291. How much?—I was every day at work.

292. During all these years?—Yes.

293. Where were you living?—I am living where I am now going on two years.

294. Where is that?—In a little house I got from my uncle that I am paying 8s. a week for.

295. How far is that from Mr. Colbert's farm?—Not too far by the short cut, about half a mile.

296. You are living there with your brother and mother?—Yes.

297. He has got a labourer's cottage?—Yes, for himself; he is going to get married.

298. Neither of you is married?—I am not, but I am in charge of my mother. My brother is going to get married.

299. Is your mother living with your brother in this labourer's cottage?—No, she is living in a house about 7 feet wide and 13 feet long.

300. Has your brother gone into the labourer's cottage?—He has not. It is not built at all yet.

301. But you, your brother and mother all live together?—Yes.

302. What made you leave Mr. Colbert? I believe you had some rows with the neighbours?—No.

303. Was it your brother they had the rows with. Look at this sheet of convictions. Had not they to bring him in?—I had no row with the neighbours. I am good friends with all the neighbours, everyone of them.

304. When you were on Mr. Colbert's farm did not Mr. Colbert offer you some land to till?—He said he would give me land to till if I took it. He said a minute ago I did not set cabbage, and I set cabbage regularly, and the bargain that was with him that time was my mother was milking cows.

RICHARD WHITE, sworn, examined.

305. Mr. Kelly.—You are a district councillor for the division on which it is proposed to put the cottage?—Yes.

306. Do you know Mr. Colbert's farm?—Yes.

307. The President.—How near do you live to it yourself?—About 3 miles.

308. Mr. Kelly.—Do you know the house?—Yes.

309. Are there any lands attached to those houses?—Not that I know of.

310. Are there some of these houses unoccupied at the present moment?—I could not tell you.

311. Do you know Mr. Colbert's farm very well?—I believe I do the most of it.

312. Are there many plots on that suitable for training horses?—Yes, there are.

313. Are you a farmer yourself?—Yes.

314. Do you know anything about horses?—A little.

315. And the training of horses?—Not very much, indeed.

316. Are there several very large fields suitable for training horses on Mr. Colbert's farm?—

Yes.

317. Do you know this applicant for a cottage?—Yes.

318. Is he a man of steady habits, generally speaking, for his class?—I never saw the man certainly. He would be away from me and could be drunk without my knowing it.

319. Mr. Jefferson.—How many acres of land do you farm yourself?—About fifty.

320. Have you any labourers' cottages on your farm yourself?—No, I have no labourers' cottages on it, but I have a man working for me for the last forty years, and he has a plot from me.

Mr. Moriarty.—This man has no union cottage on him. I ask your lordship to say that McCoy is sufficiently punished for his misdoings.

The President.—You won't get any of these moral decisions from me. I will announce the decision to you, and you can speak to him outside about his moral character.

Lord Justice Holmes.—He has no union cottage, but his great point is if what he says is true that he charges nothing to his labourers for the occupation of the seven cottages which he built. They are far better off.

Mr. Moriarty.—The only answer to that is there is no land attached.

Lord Justice FitzGibbon.—The co-acre system is universal in that part of the country, and it is far better for both parties.

Mr. Moriarty.—Mr. Colbert lends those cottages only to people who are bound to give him their labour you know.

Lord Justice FitzGibbon.—The preference, he says.

Mr. Moriarty.—As I understand, the object of the Labourers Acts is to provide a house and land for labourers, who are to be free to give their labour to whomsoever they choose—in other words to go to the best market.

The President.—There must be a general need of labourers shown.

Mr. Moriarty.—I have evidence to show that there is a general demand for labour in the district.

The Witness.—That is so.

Mr. Moriarty.—Mr. Colbert makes the case he only lends the cottages to those who will give him the preference in their labour.

The President.—He seems to have very liberal and kindly arrangements for all his employees. He would not do that for a strange person working only for a short time. Why would he?

Mr. Moriarty.—On this man's farm it is not too much to ask to have a cottage put, and if the site was inconvenient we would gladly alter it.

Lord Justice Holmes.—I think it is more the case is inconvenient than the site.

The President.—We think in this case Mr. Colbert's objection is made out and therefore we will allow it with the usual costs.

PETITION of SEamus O'BRIEN against the erection of a cottage on the townland of Kilaroady, electoral division of Malinbeg.

Counsel for Objector, Mr. Lynch, instructed by Mr. Patrick T. Linton.

Mr. Lynch.—Petitioner in this case occupies three farms of land. The second petition, announced to be settled to-day, was a petition also of Mr. O'Regan's, in which he consents to a cottage being put on another farm subject to a change of site. The extent of his holding is forty acres, which is the extent of that first holding, and dealt with in the second petition, a holding of about forty acres, on which he lives with his sons and labouring men, and this particular holding is only fourteen Irish acres; and we say on account of the size of the farm it is unfair to put a cottage upon it; and what happened before the District Council is rather significant. The proposal came before the District Council to put this cottage on the lands of a Mrs. McHenry, who has about sixty Irish acres in the immediate vicinity to O'Regan's place. When the case came on for discussion before the District Council the District Council out-voted the councillor for the division, Mr. Linton, and they put it upon this small holding of O'Regan's, and Linton, who is a large farmer in the district himself, was so struck with the injustice of it, he said he would lead in a written protest against their doing that, and this protest was before the Inspector at the time this petition came before him. That is the state of affairs as regards Mr. O'Regan and Mrs. McHenry. There are several other large holdings in the vicinity with no cottages on them. I would like to give your lordships a few particulars of how the labourers in the vicinity or some of them occupy their cottages, and how they treat them. Your lordships had before you to-day the case of a man named O'Mahony, who is a district councillor, and who occupies a labourer's cottage. One of the cottages in the vicinity is occupied by another district councillor, a man named O'Halloran. In another of the labourers' cottages, of which the tenant is Mrs. Geary, the garden is subject to a publican in Castleashen, Patrick Kennedy, who does not till it, but used it as an adjunct to his holding in the vicinity. Mrs. Geary, who occupies the dwellinghouse, is not an agricultural labourer. Quite close is a cottage occupied by a tenant named Murphy, who has not for two years tilled the plot attached. On the farm of a man named Foshan there is a cottage occupied by a man named Lynch, the plot of which is not tilled for some time. The same observation applies to the plot of a man named Cook, who has a cottage in the vicinity. His place is not tilled for some years, and, as an instance of how little labour is required in the locality, this Cook has to go to Castleashen district, seven miles, in order to get daily employment.

L

Lord Justice Holmes.—Don't you think it is very irksome for poor labourers who have been doing somebody else's work to come home and till pieces of land of their own?

Mr. Lynch.—At all events your lordship has the fact. I make no comment on it. I leave it as it is.

MICHAEL O'REGAN, SWORN, examined.

321. Mr. Lynch.—Your father is tenant of this land and objector in this case?—Yes.

322. He is an old man?—Yes.

323. He is unable to travel here?—Yes.

324. How large is this farm?—About eighteen Irish acres.

325. Lord Justice Holmes.—It does not join on to the other two farms?—No.

326. How far from them is it?—About half-a-mile from the farm the other cottage is on.

327. Mr. Lynch.—How far from where you live?—About three miles.

328. Do you know Mrs. McHenry's holding?—Yes.

329. How large is it?—Sixty Irish acres.

330. How near to this farm of yours in Kildenny?—About an Irish mile; quite close to Murphy, the labourer.

331. Were you present at the District Council when the subject of this cottage, and where it was to be put, was discussed?—No, but the Councillor of the Division was present.

332. There is no cottage on Mrs. McHenry's?—No.

333. Do you know Mr. Donohue's farm?—Yes, 36 Irish acres.

334. Is there any cottage on that?—No.

335. Do you know the cottage occupied by Mrs. Geary?—Yes.

336. How far is that from your farm of Kildenny?—Half a mile.

337. What is she?—A widow.

338. Has she any sons and daughters working with her?—She has sons and daughters.

339. What does she do with the plot of land?—She lets it to a publican in Castlemahon. I saw his cattle there.

340. Lord Justice Holmes.—Do any of the sons live with her?—I could not exactly say.

341. Mr. Lynch.—Did you make inquiries?—I think they must be in service about the place. They may come home at night.

342. At all events, you saw those cattle of Mr. Kennedy's in this place?—Yes, I saw them as late as last Thursday.

343. How far is Murphy's cottage from you?—Less than half a mile from me, quite close to Mrs. Geary's cottage.

344. Is the plot attached to that tiled?—No.

345. How long is it since it was tiled?—It was dug up last year. It is not tiled—growing grass this year.

346. Do you know a cottage occupied by a man named Lynch on Phelan's farm?—Yes.

347. Was the plot to that been tiled?—About two perches.

348. Is it a half-acre plot?—An English acre, I think.

349. Do you know Cook's cottage?—Yes.

350. Does he till his plot?—A part of it. About 20 perches, or a little more.

351. Do you know Mr. Liston, District Councillor for the Division?—Yes.

352. Do you know a cottage occupied by a man named O'Halloran?—That is another part of the Union.

353. Do you know it?—Yes.

354. He is a District Councillor?—Yes.

355. You were present at the inquiry before Mr. Coffey?—Yes.

356. Did you hear the written protest of Mr. Lennon, District Councillor for the Division, that he handed in, read before Mr. Coffey?—Yes; my solicitor read it.

357. Have you ascertained Mr. Lennon's (District Councillor) views on this point?—Yes, he said it was unreasonable for such a small holding.

358. Lord Justice Holmes.—Did he give any ground for the protest?—Yes, the protest is here (produced).

359. Mr. Lynch.—About this man that it is proposed to give the cottage to—be is a very old man?—Yes.

360. Lord Justice Holmes.—How old is he?—Between 60 and 70 years; about 65 to all appearance.

361. Mr. Liston protests against Mrs. McHenry's farm being exempted from its share of cottages?—Yes.

362. Mr. Moriarty.—Your father holds about 176 acres of land?—I think not so much.

363. That is what Mr. Leahy tells me is the extent of his holding. This poor man Murphy, that you say is too old to get a labourer's cottage, is at present living in a house that has been condemned by the doctor as unfit for human habitation. Is not that so?

364. On whose land is that?—On Mr. Liston's land, about 60 or 70 acres.

The President.—This man has nothing to do with it!

Mr. Moriarty.—No. I have not the same case here as I had in Cleary's.

365. Lord Justice FitzGibbon.—What land has Mr. Liston?—Sixty-five Irish acres.

366. I see the protest was against not giving the widow a chance against your father?—Not against himself.

Lord Justice Holmes.—I think there is an understanding that no District Councillor should have a cottage put on his land. It is one of the encouragements to become a District Councillor.

367. Lord Justice FitzGibbon.—Whom does the labourer work for?—I never saw him work for a farmer in my life.

368. Mr. Moriarty.—Part of your objection to have a labourer's cottage put on your father's land is that you are a District Councillor yourself?—I have a cottage already on my land.

That is only to-day. That is another holding in another electoral division.

366. Lord Justice Holmes.—Is your father a District Councillor?—No.
 Lord Justice FitzGibbon.—Why are you taking this man away from Mr. Linton?
 370. Mr. Moriarty.—I will produce evidence that this is the most convenient site in the neighbourhood. On the lands you hold in this Electoral Division you have no labourers' cottages on you?—That is all the land I have.
 371. There are no labourers' cottages on that?—No.
 372. You admit Michael Murphy is a sober, industrious, hard-working man?—I never saw him working for a farmer.
 373. When does he work for?—I don't think he did a good, solid day's work for the last two years.
 374. How does he live?—I don't know.
 375. You know the man?—I know the man.
 376. May I ask you about the case of Hughes, the man on Lynch's land, which you said was in grass?—Yes.
 377. Was the potato field in it last year?—About two perches. I made it my business to see.
 378. He had potatoes in it last year?—About two square perches of potatoes.
 379. Is not the rest of the holding this year in potatoes?—Upon my oath it is not, but the same thing.
 380. Was not half the holding last year in potatoes, and that half is now in grass, and the other half this year is in potatoes?—Quite the reverse.

EDWARD SWEENEY, sworn, examined.

381. Mr. Moriarty.—Are you the Rural District Councillor?—I am one.
 382. Do you know this farm of Mr. O'Regan's?—I do.
 383. In your opinion is it the most convenient place to put this cottage?—It is as convenient as any place for a labourer.
 384. Is there a cottage required for a labourer there?—I believe so.
 385. Do you know Michael Murphy, the labourer?—I do for many years.
 386. What is he?—He is a labouring man all his life. He was for a time at other business, but he is at labouring work now.
 387. About seven years ago he was assistant water-bailiff?—Yes.
 388. But for the last seven years has he worked as an agricultural labourer?—Yes, moving and raming. I see him doing it and any other work he gets.
 389. In selecting this site and putting it on Mr. O'Regan's farm, was Mr. O'Regan's convenience consulted in the matter?—Yes, because I think he holds at present 175 acres of land, and he had no labourer's cottage up to this on any of that land.
 390. And then it was agreed to put this cottage on him here, and the cottage on the other electoral division?—Yes.
 391. Did you hear Mr. Lynch speak of the cases of abuse existing with regard to labourers' dwellings?—Yes.
 392. What do you say about them?—He mentioned a labourer's cottage held by Mr. Lynch?—Yes. He said it was not tilled. Last winter he tilled half the plot, and the other half in grass, because this is the second season's tilling.
 393. How much land he in potatoes last year?—It was small last year because he was draining it, but now he has half of it down in potatoes and the other half in grass.
 394. The half potatoes last year is in grass now?—No, he increased it.
 395. Did the man do his best with the plot of ground?—Certainly.
 396. You know the other cases mentioned by Mr. Lynch?—Yes.
 397. Tell their lordships?—In the case of Mrs. Geary, who is said to have a right to a publican in Castleblakenah, there are four or five daughters out in service, and there is a son. This year the farmers could not till the lands. They could not get horses, so they went untilled this spring.
 398. Lord Justice FitzGibbon.—They don't till their gardens in your part of the world unless they get horse labour to do it?—They do not.
 399. I thought the whole thing was for the purpose of improving spade cultivation?—Yes.
 400. How did the case to let to a publican?—It is idle.
 401. What is he paying for having it idle?—I could not say.
 402. Are you aware that the publican has got this place subject to him?—I saw the cows there.
 403. How far is it from O'Regan's holding?—A mile and a quarter.
 404. Mr. Lynch.—Were you at the District Council when it was discussed whether this cottage should be put on Mrs. McHenry?—I was present.
 405. There was great voting?—When it goes to a vote everyone has to give his opinion.
 406. And vote for whichever side they wish to support?—What they think the best plan for the labourer.
 407. You voted to have a labourer's cottage taken off Mrs. McHenry and put on to O'Regan?—Yes.
 408. And Mr. O'Regan, the other District Councillor, protested against this as unjust, did not he?—Probably he did. I heard he objected.
 409. Did not you hear that at the meeting he handed in a written protest against the injustice of putting this on O'Regan's land while Mrs. McHenry, with sixty Irish acres, had no cottage on it at all?—It is untrue to say so. You are misinformed.

MICHAEL MURPHY, sworn, examined.

410. Mr. Kelly.—You are the agricultural labourer in this case?—Yes.
 411. You are a married man, I believe?—Yes.
 412. How many children have you?—I have three.
 413. Living with you at present?—The whole of them are not living with me at present, but I have two boys as all I have at present.

414. Your house has been condemned by the doctor as unfit for human habitation?—Yes, by Dr. Pierce.

415. Are you a labouring man?—I laboured all my life since I was ten years of age. I was always employed at farm labour. I was for some time a water bailiff, but that was only for a short time.

416. What sort of labour do you do? I reap and mow, and do spade work, set potatoes and cabbages, and all things that the people who employ me give me to do.

417. You labour for everybody in general about the place?—Everybody that calls me. I principally get labour from the British Priest, who gives me all his labour.

418. Is the place selected for you a convenient place?—Very convenient. There is great accommodation there. The water is there; it is convenient to Newcastle, and if I wanted manure I could get it.

419. Mr. Lynch.—I suppose you were present at the District Council when there was the voting between O'Regan and Mrs. McHenry?—I was there. I had nothing to say to that.

420. There was a good deal of canvassing?—That was no affair of mine.

421. Was not there a good deal of canvassing at the District Council?—I could not say that. That was no business of mine.

422. But it was going on?—I did not interfere with it. All I know about it is I got my representation form properly signed before the Board, before the Local Government Inspector, and I had no more to say to it.

423. When you went before the District Council was not the proposal first to put the cottage on Mrs. McHenry?—It was, but I cannot help what the District Council did. I want a house, and badly want it.

The President.—He is not responsible for that. What he says very fairly is, he does not care where the house comes from so long as he gets it.

Lord Justice FitzGibbon.—As far as I can see, at that time there were proposals to put a second cottage, that is the one in the other Scheme on Mr. O'Regan, and that has been settled since, and I see a note on the evidence here that he says he never opposed that except for a change of site.

Mr. Lynch.—That is so.

Lord Justice FitzGibbon.—He objected to this on account of having so little land, and then he says—"What is the size of this holding of yours?—It contains twelve or thirteen acres cut up by three roads." Then the Inspector says—"You opposed here a couple of days ago to have a cottage go on your other place—only to change in site?"—That has been done now.

Mr. Lynch.—Yes. Before it came on here the Council were asked to do it, because they proposed to put the cottage in a place where it would interfere with the drainage he was doing.

GEORGE PRINCE, u.n., sworn, examined.

424. Mr. Kelly.—You are a sanitary officer of this district?—Yes.

425. Have you examined Murphy's house?—Yes; it is a one-roomed house, thatched, with an earthen floor; no drainage, or no out offices of any sort. The size of the house I can give you.

426. Do you think it fit for human habitation?—No.

427. You have condemned the house?—I certainly would in any civilised country.

428. Mr. Lynch.—There are no people living with this old man?—His father, mother, and one son; but the son only comes once a week for a day to them.

The President.—In this case we allow the objection that was made by Mr. Lynch, with the usual costs.

Committee adjourns.

ENNISCORTHY RURAL DISTRICT LABOURERS ORDER, 1904

(PART 2).

REPORT OF PROCEEDINGS BEFORE JUDICIAL COMMITTEE OF
PRIVY COUNCIL,

ON FRIDAY, FEBRUARY 24TH, 1905.

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JUDICIAL COMMITTEE OF THE PRIVY COUNCIL,

COUNCIL CHAMBER, DUBLIN CASTLE,

FRIDAY, FEBRUARY 24TH, 1905.

Present :—The Right Honourable the LORD CHANCELLOR, presiding.
The Right Honourable Mr. Justice ANDREWS.
The Right Honourable Mr. Justice ROSS.

THE ENNISCORTHEY RURAL DISTRICT LABOURERS ORDER, 1904 (PART 2), AND
THE LABOURERS (IRELAND) ACTS, 1883 TO 1896.

Counsel for Local Government Board, *Mr. George Green*, instructed by Messrs. *T. T. Macredy and Son*.

Counsel for Rural District Council, *Mr. Peart*, instructed by *Mr. T. J. O'Dempsey*.

OBJECTION of ROBERT HAWTREY FRANK to the erection of a cottage on the Townland of Kilmallock, Electoral Division of Kilmallock.

Counsel for Objector, *Mr. O'Brien*, *K.C.*, instructed by *Mr. M. J. O'Connor*.

Mr. O'Brien.—The position of this matter is this. My client holds some 370 acres of land, subject to a small head rent. There are several cottages on his land, but no union cottages. The application is now made to build a cottage for a labourer named O'Grady, who was in my client's employment for fourteen years. He was good enough at his work when he was sober, but, as the Inspector says, when he went to town he did not always drink cold water. He stayed on for fourteen years until the end of 1902, when he became so impotent that he had to discharge him. My client dismissed him in December, and in January following he put in the Representation for this cottage.

Mr. Peart.—That is not so.

Mr. O'Brien.—The position of my client is that his house cost £5,000 or £6,000 to build. The plantation does not appear entirely on the Ordnance map, but in fact it is planted all round except where it is bounded by a river. This house which they propose to build is placed on a reclaimed field which is about 450 yards in a direct line from my client's house and in sight of my client's house, and as he says in his evidence below, it certainly is not a very nice thing to have a labourer's cottage placed in that position. But they seem deliberately to have selected a site that would cause the maximum inconvenience, because they proceed deliberately to take a triangle out of this field, so it is obvious it never could be ploughed or tilled so economically as before; and, of course, if they had put it on the general area, there might be something said for it, but they deliberately put it on that site here, so that under those circumstances the Petitioner is forced to the conclusion that this is not a *bona fide* proceeding. It would interfere with the amenities of residence of the place, and this is really a demesne. He was dismissed in December, 1902. The Representation was after the dismissal. To show the spirit in which these things are done I may say that even while the appeal to this Privy Council was pending they had a meeting at which the labourers were recommended by *Mr. Clancy*.—"My advice to the labourers about here is for three or four of them to put in for sites on *Mr. Peart's* land. *Mr. Dempsey*, another guardian, said—"That is what he is afraid of." There are all local district councillors, and one of them is here. They have deliberately selected this site in a place where it would give the maximum amount of inconvenience, even if there was any necessity for it, and they have taken just this triangular cut out of the middle of the field.

ROBERT HAWTREY FRANK, sworn, examined.

1. *Mr. O'Brien*.—You are the occupier of 370 acres of land near Kilmallock?—Yes, Irish acres.
2. Is there a large residence on it?—Yes.
3. What did it cost to build?—It cost about £5,000. I myself laid out £3,000 on it.
4. Is the demesne surrounded by a plantation of trees?—Yes, the entire way round except where the river is.
5. Was this particular applicant in your employment for a number of years?—For seven years. I discharged him and took him back again, and he was then in my employment for seven years more.

4. He was a good labourer when sober?—He was a good labourer, but during the last six years he has become an absolute drunkard.
7. Had you particular difficulty in dealing with him?—Yes.
8. As an instance of that did he not through drunkenness destroy a quantity of pigs?—Yes, through drunkenness. He gave them sheep dip though not knowing what it was.
9. In December, 1902, was he in this condition of drunkenness; was he drunk?—He had been drinking. The day I discharged him he was not drunk, but he was suffering from the effects of having drink taken.
10. Had he a cottage on your land?—Yes.
11. After you dismissed him you had to take proceedings to have him ejected at Petty Sessions?—Yes, a couple of months, because formerly when I dismissed him he did not leave the house for a year, and he told me this time when I dismissed him he would not leave until it suited him to leave it.
12. The next you heard of him was an application to put this cottage on your lands?—I did not hear it until March.
13. But the Representation was lodged some time before that?—Yes.
14. Mr. Justice Ross.—Have you any cottages on your land?—Three unoccupied.
15. Are they all suitable?—They are all suitable with the exception of broken windows and doors. They all could be made suitable in a week.
- Mr. Peart.—The Inspector reports that one of them is not in a sanitary condition.
16. Mr. O'Brien.—And the two others are in a sanitary condition?—That one is sanitary now. The doctor in giving his evidence said it was being repaired at the time.
17. So the three are now in sanitary condition?—The three of them but for windows and doors. They could be all made suitable in a week.
18. Mr. Justice Ross.—How many rooms are there in each?—There are a kitchen, a room and a loft in each.
19. Mr. O'Brien.—This man O'Grady had occupied one; what family has he?—He has three children, two living at home.
20. What age are they?—One is grown up.
21. Are they working?—One is about sixteen and the other child is about five.
22. Where has this man been working since he left your place?—Sometime—about a mile away—he was walking to the village of Oligote, which is three English miles from this place.
23. Is where they propose to put the cottage near your place?—That is the site (indicates on map). This is the best portion of my property. It looks down on my house. This is the only part of the townland I don't own, and the road coming in is the first thing you see coming this way (indicates).
24. Mr. Justice Ross.—Have you any business?—No, I am simply a farmer.
25. Mr. O'Brien.—Your family have been there for generations?—Yes.
26. Have you pointed out to their lordships the site where they propose to put the cottage?—Yes.
27. How far distant in a direct line is that from your hall door?—About 500 yards.
28. If put up there would it be visible to you and be an eyesore?—It would be visible. It is the place out of the 270 acres I would not give a site on. I was never consulted; the Clerk of Works never came to me, and I did not know where the site was until I got the Ordinance sheet at the suggestion of my solicitor.
29. Mr. Justice Ross.—There is another place where you suggest you would be willing to give a cottage?—I would be willing if necessary.
30. Mr. O'Brien.—If it was absolutely necessary we would meet there, but he wished to test this question, because he says that under the circumstances this is not a *bona-fide* application (To witness).—With regard to those unoccupied cottages, are there gardens attached to them?—There are no gardens attached.
31. What is the size of them?—There are two fair-sized rooms, ten feet by twelve, with a loft over them.
32. Those cottages are used up to the present by your own labourers?—Yes.
33. As the present time, your own labourers prefer living in some other place?—My own labourers are living around. They live in houses of their own.
34. Have you (apart from O'Grady, who would be a very undesirable person), any objection to let those cottages if there was any necessity in the district?—No.
35. Mr. Justice Ross.—Would you give any land with it?—In some cases. In one case I would not object, but in another case the situation of the house would not permit.
36. Mr. O'Brien.—With regard to this field in which they propose to put this site is there any water supply near it?—I don't know of any spring water near it. Of course there is mud water.
37. In the field used for tillage?—It is tilled this year and last year.
38. This thing takes a triangle out of it?—Yes.
39. Would not that considerably interfere with the ploughing?—Certainly it would.
40. It would practically make a portion of the field outside that perfectly waste?—Yes, between the headland and the place taken.
41. In addition you claim it is desecrated land within the statute?—Yes, the Ordinance Survey sheet does not show it as it exists at the present time.
42. The Lord Chancellor.—When was the house built?—In my grandfather's time.
43. How large is the house. An ordinary moderately-sized country gentleman's house?—Yes, with about eight rooms in it.
44. Two or three sitting-rooms?—Three sitting-rooms.
45. Two storeys?—Yes. I have held out myself £2,000 on it. I have within the last twenty years improved the place very much.
46. Mr. Justice Ross.—There are out-offices and houses?—Yes.
47. Mr. Peart.—With regard to the existing cottages there are on your land is it not a fact that you make it a rule only to let them to your own labourers?—I would be willing to set two others if necessary.

48. May I ask you whether if in the Court below you were asked whether you were willing to let one of these existing cottages to the applicant in this case?—Yes.

49. And what was your reply?—My reply was, it was not usual to do so.

50. Did you answer, "If he was working with me I would"?—Yes.

The Lord Chancellor.—Is not that the history of human nature. A man would sooner let his own cottage to his own labourer?—It goes without saying.

51. Mr. Peart.—You were also asked "But you don't let any man into them but a man who is working with you," and your answer was "Well it is not generally done"?—Yes, I think that is my answer.

52. With regard to the site, is it not a fact that this triangular piece as marked here was sent to you by the Engineer of the District Council?—No map was sent to me.

53. Mr. O'Brien.—Did you ever get a map of any kind?—I sent an Ordnance Survey map to have the site marked two days before the Inquiry, and it was returned with the site marked, but I got no information of any kind before that, and I was never consulted as to the site.

54. Mr. Peart.—This triangular piece here, where it is proposed to put the cottage, is it not a fact that this is on the very verge of a marsh which is portion of a reclaimed field?—There is no marsh near it—it is reclaimed.

55. There is no soft ground there by the side of the road?—No, with the exception of the marl hole, which is the watering hole.

56. Is not that a fairly extensive marl hole?—Eight or ten feet perhaps.

57. At all events it is quite beside that?—This triangle would cut into a fourteen acre field.

58. This triangle is beyond the marl hole?—No.

59. Where is the marl hole?—The marl hole is between that and the corner which is simply the watering hole.

60. On the road to Enniscorthy?—Yes.

61. The proposed triangle is by the side of the road?—Yes.

62. Here is his house: There is a church and graveyard here?—That is close to my house.

63. There is a site for a church at that corner?—No, I don't think so.

64. Is not there a graveyard there?—Close to my house is the graveyard.

65. There is a graveyard, and a site for a church I understand?—There is a graveyard; I don't know anything about a site for a church.

66. I only ask that because it is marked on the map?—I don't know anything about that.

67. Down the road here there is at present a labourer's cottage?—Not on my land; there is a labourer's cottage, but it is a piece that is not mine.

68. Is not the land round about this yours?—It is not on my land.

69. Is not the land round about yours?—No, this is on the old glebe; we did not know when it was sold.

70. Mr. Justice Ross.—Your land surrounds it?—Yes, on two sides.

71. Mr. Peart.—The whole townland belongs to you?—Except that glebe land—the whole townland except that bit.

72. Has your residence got two gateways, two openings on to the road?—A back entrance and a front.

73. Do they both open on the same road?—Yes.

74. One is the front entrance, and the other is the back entrance?—Yes.

75. Where do you say these plantations are—there are trees along the roadside?—Yes, the plantation is right round here, but it is not marked on the Ordnance Survey, though it was made thirty-five years ago.

76. The plantation is at the back of the house?—No, at the front of the house.

77. Does the house face the road?—Yes.

78. The trees run round by the road?—But there is also plantation at the far side of my house, an extensive plantation past the river, and the graveyard is in the centre, and is on both sides of it.

79. And the trees go round both sides of the graveyard?—Yes.

80. With regard to this man, he was fourteen years in your employment?—He was two terms of six or seven years, he was away from me for some little time.

81. During the time he was with you, what sort of a workman was he?—He was a good workman.

82. Do you agree with the statement that I think was also given at the Inquiry below that he was one of the best workmen in the country?—I say he is a good workman when he is sober.

83. The Lord Chancellor.—But when a man takes drink he ceases to be as good as he was?—During the last five or six years he deteriorated considerably. I never could send him out when he got drunk, and he got drunk on every available occasion.

Mr. Justice Ross.—Has the man reformed since then?

84. Mr. Peart.—I will produce the man himself. (Witness). A man that does not know sheep dip from food.

Mr. Peart.—A man such as the applicant may take too much drink occasionally, but when you find that he is kept for fourteen years.

The Lord Chancellor.—We must bear in mind what is at the bottom of page 12: you were asked—"Some accident happened in connection with the feeding of pigs: you don't charge Grady with being any way privy to it, but that it was the result of an accident?—No; but I charge him with doing it as the result of drunkenness. Is he a sober man?—With me during the last four or five years, I could not call him anything but an habitual drunkard, that is, whenever he got the chance he came home drunk, and I kept him at home as much as possible. He would never have left me if he was a sober man. I did not discharge him even for poisoning the pigs. About how often did you see this man drunk during the time he was with you?—About 100 times. So drunk that he would be arrested by the police?—Well, not quite 100 times. He was never arrested. I give him his due." That is the story this gentleman told: whether that is a comfortable man to put back to live on his land is another thing.

85. Mr. Peart.—Is it a fact that in the existing cottage that is there they have the family of this man's wife in the labourer's cottage that is close to your house?—They live in that other labourer's cottage. That is the reason he wants to get on the other side of the road.

86. With regard to the poisoning of the pigs—I say it is accidental; he is a really good labourer only for drinking.

87. You have 300 acres?—I have 270 Irish acres.

88. On the 270 Irish acres you have three unoccupied labourers' cottages?—Yes.

Moses DEMPSEY sworn, examined.

89. Mr. Peart.—Are you a District Councillor for the Rural District of Ennisceorthy?—Yes.

90. As a District Councillor are you aware of the requirements of the district with regard to agricultural labourers?—Yes, pretty well.

91. You gave evidence at the Inquiry below?—Yes.

92. With regard to the plot of ground which it is proposed to take for a cottage for this man, Grady, you know the place in question?—Yes.

93. Do you know the marsh hole, which is beside the proposed place?—Yes, a big piece of waste land, where timber was growing.

94. Portion of it has been reclaimed?—Portion is reclaimed as far as I could see.

95. This marsh hole, pretty nearly all waste land, runs down by the side of the road?—Yes.

96. In your opinion would that interfere to any substantial extent with the ploughing of the field?—Not very much so far as I can see.

97. Do you think would it interfere at all?—Very little, I think.

98. Do you consider the site which has been selected a suitable site for this cottage?—I do.

99. As suitable a site as could be had?—Yes.

100. Do you think it would interfere in any way with this gentleman's residence?—I don't see how it would, so far as I can see.

101. Is there a want of agricultural labourers in the district—is there work for them to do?—Unfortunately there is a great want of agricultural labourers in the district.

102. Do you know Ennisceorthy yourself?—I do well.

103. He has been living in the district for a great number of years?—As long as I know anyone.

104. And is he not a very good labourer?—The best I know.

105. And I have a document here; I see your signature to it on the form signed by fifteen other farmers residing in Kilmallock and the neighbourhood, all certifying that they know John Grady as a farm labourer, and that there is a general want of employment; you signed that?—Yes.

106. Are there places where he could labour around this proposed site who would give him employment?—No one on that townland but Mr. Peart himself.

107. Record about the place are not there people who would give him labour?—There are.

108. There are men who would give it to him?—Yes, several.

109. Mr. Justice Ross.—Why don't you plant a cottage on some of these men?—I did not select it; he selected the site himself.

110. The Lord Chancellor.—Do you allow anyone to select the site?—That has been the general rule of the Division.

111. If you disagree with your own worker with regard to drunkenness, would you discharge him?—I know Grady for a long time.

112. It was said he was a good workman, but he had this infirmity?—I never saw him under the influence of drink.

Mr. Peart.—I am afraid there are a great many labourers who are addicted to it.

The Lord Chancellor.—It is not confined to any one class, this affliction, wherever it occurs.

113. Mr. Peart.—In appraising these cottages, does not the apportion, as a matter of fact, state to the Council where he wants the cottage?—Yes.

114. He selects it himself; that is the way it works out?—Yes.

115. Mr. O'Brien.—There is a Mr. Cleary who is a member of your Council?—There is.

116. Has he got any labourer's cottage on him?—No, for the simple reason he is not near a road at all.

117. Were you at the meeting at which Mr. Cleary said, "My advice is for three or four of the labourers to go in for sites on Mr. Peart's land"?—Something tantamount to that.

118. Did you endorse that view?—I heard it stated that Mr. Peart was afraid that if one cottage was put on him there would be five or six.

119. Do you endorse that view that three or four cottages should be put on him because he dismissed a drunken labourer?—I do not exactly endorse it.

120. Have you got a labourer's cottage on your land?—Yes, it was the first built in the Division.

121. What is the area of your land?—84 acres.

122. He is a labourer of your own?—He is off and on.

123. Still do you think Mr. Cleary was right; would you put four or five cottages on Mr. Peart's land?—That is a question I would not like to answer.

124. You would not go quite so far as that, but you signed this Representation?—Yes.

125. When you signed it this man told you he had been dismissed?—I don't think he did.

126. Did you ask him how he had come to want a cottage?—No, he was talking of putting in for a cottage by the Union in previous schemes.

127. I suppose he knew what was coming on?—I don't know about that.

PATRICK BRADY sworn, examined.

128. Mr. Peart.—You made this map?—Yes.

129. Do you consider the proposed site is a suitable site for this cottage?—Yes.

M

130. Do you think it would in any way interfere with this gentleman's residence?—I don't think it would.

131. It is over a quarter of a mile away?—Yes, about 570 yards.

132. Is it or is it not by the side of a mud hole?—Yes, there was an old fence at the time, but Mr. Peare has reclaimed it since. He has got a fence since. He was working at it last month, since the site was marked.

133. Do you know this man Grady?—I just know him since the inquiry, but not until then.

134. You heard it stated he has got a wife and three children?—Yes.

135. And the Sanitary Inspector found them living in a place unfit for human habitation?—Yes.

136. Do you think he is a man that ought to be provided with a labourer's cottage?—Of course I don't know, only from appearance he looks all right.

137. The Lord Chancellor.—That is not your business?—No, my lord.

138. Mr. O'Brien.—This cottage if built would be in a direct line with the hall door of Mr. Peare?—Yes, but there is a cottage there at present about 300 yards nearer.

And on an elevation, and it would not be an improvement to have a workman's house opposite your hall door.

The Lord Chancellor.—That is not in the petition.

JOHN GRADY, SWORN, EXAMINED.

139. Mr. Peare.—You are the applicant for the cottage in this case?—Yes.

140. What family have you?—Three alive and seven dead.

141. Where are you living at present?—I am in lodgings with my brother.

142. You have no place of your own?—No.

143. You have no house to live in except lodgings?—No.

144. Have you been a labourer for a considerable number of years in this district?—Since I was born.

145. The Lord Chancellor.—How old are you now?—Forty-three.

146. Mr. Peare.—It has been stated here that you were dismissed from the employment of Mr. Peare?—I was not dismissed.

147. You either left or were dismissed?—I left Christmas week at seven o'clock.

148. You had a dispute with him?—He owed me ten weeks' hire.

149. Before you left was there any necessity to ask for a cottage elsewhere?—Yes; he was thatching and repairing the house. I lived in it for a year after.

150. So that the house was in a very bad state of repair?—It was not fit for a pig.

151. During the eighteen months or two years since you left the place with him have you been working according as you can get the labour to do?—Any amount.

152. As a labourer?—Yes.

153. If you get this cottage here are you prepared to work as industriously at ordinary farm labouring?—I have no other way of living.

154. Mr. Justice Ross.—Who is it employs you now?—Mr. Leary.

155. How far is he away from this?—About a quarter of a mile.

156. What size farm has he?—About forty acres.

157. Has he a cottage on his land?—No.

158. Why did you not select a site on his land?—It is not in my division.

159. Mr. Peare.—You had been living already in a cottage on Mr. Peare's land for about fourteen years?—Yes.

160. And your mother's people live in a cottage on the opposite side of the road to where this proposed cottage is to be?—Yes.

161. Mr. O'Brien.—Since you left—but you omitted to mention you had to be put out by process?—Yes, he summoned me.

162. And you call that leaving?—He told me he might want the house after a bit.

163. The Lord Chancellor.—We have here the absolutely uncontradicted statement made by Mr. Peare that this man has been drunk repeatedly, and that an absolute drunkard is being put upon him. He has also been described as a decent respectable looking man, and, except for the failing to which I have referred, no one ever questioned his conduct in other respects, but the District Council have left unchallenged and undisputed on examination the opinion of his employer that he was an habitual drunkard. Is that the kind of man that it is reasonable to put back on him in a labourer's cottage, living on his place, and in view of his house and demerit? We must allow the objection in this case with the usual costs.

THE RATHDOWN RURAL DISTRICT LABOURERS ORDER, 1904

(PART 2),

AND THE LABOURERS (IRELAND) ACTS, 1883 TO 1903.

REPORT OF PROCEEDINGS BEFORE THE JUDICIAL COMMITTEE

OF THE PRIVY COUNCIL,

TUESDAY, JUNE 27TH, 1905.

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JUDICIAL COMMITTEE OF THE PRIVY COUNCIL,

COUNCIL CHAMBER, DUBLIN CASTLE, TUESDAY, JUNE 27TH, 1905.

Present:—The Right Honourable Lord Justice WALKER, presiding.
 The Right Honourable Mr. Justice JOHNSON.
 The Right Honourable Mr. Justice GIBSON.
 The Right Honourable Mr. Justice ROSS.

THE RATDRUM RURAL DISTRICT LABOURERS ORDER, 1904 (PART 2), AND
THE LABOURERS (IRELAND) ACTS, 1883 TO 1903.

Counsel for the Local Government Board—Mr. George Green, instructed by Messrs. T. F. Meeney and Son.

Counsel for the Rural District Council—Mr. J. J. Clancy, M.P., instructed by Mr. T. J. O'Donoghue.

PETITION of ALEXANDER KEENE against the erection of a Cottage on the Townland of Tiglin, Electoral Division of Newcastle Lower.

Counsel for Objector—Mr. Dudley White, instructed by Messrs. J. E. Toomey and Co.

Mr. White.—The objection in this case is two-fold—first that there is no necessity for the erection of a cottage, and second that the effort to put this cottage on Mr. Keene is due to a personal quarrel between Mr. Keene and the son of Patrick Byrne, the labourer who is applying for the cottage, in consequence of which Byrne left Mr. Keene's employment, with the result that he is now seeking to get a cottage put on his land.

ALEXANDER KEENE, sworn, examined.

1. Mr. White.—You are the petitioner in this case?—Yes.
2. You know this man, Patrick Byrne?—Yes.
3. How long was he in your employment?—Between 20 and 25 years.
4. What house did he live in on your land?—He lived in a cottage built by Lord Fitzwilliam.
5. Was that a cottage on your land?—Not exactly on my land.
6. How near to your land?—Quite adjoining it.
7. Has he been living in that cottage for the last 25 years?—I could hardly say that. He was in another cottage that got out of repair, and I have removed him into this one.
8. He has been there for a great many years?—Yes, he has been there for a great many years.
- 9-10. In addition to that cottage, what other cottages are there about your land for labourers?—I have this cottage that he occupied vacant; I have my gate lodge vacant; I have a house in the yard vacant; and I have a large dwellinghouse on the farm that I could put several labourers into if I required them.
11. Is there any general want of labourers' cottages about your place?—Not in the least.
12. I believe Lord Fitzwilliam has kept one of the small villages there purely for labourers' cottages?—Yes.
13. What village is that?—Newcastle.
14. I believe he lets these cottages to farmers, who in turn set them to labourers?—Yes.
15. As a matter of fact, is there a tremendous number of these cottages?—I don't say a tremendous number, but I suppose there are over a dozen.
16. At the present time have you five of these cottages?—No. I have the cottages on my own land, and this other cottage that Byrne formerly lived in is separated from my farm.
17. When was it Byrne lived in it?—I think about April or May two years ago.
18. What happened when he was leaving?—The man that I had in my yard to milk my cows took ill and had to go to hospital, and this man's son milked my cows for a few days. I considered that the young man's brother who was in hospital, and who formerly milked them, was a better milker, and I put him to milk my cows, and my kitchen servant helped to milk, and she was away, and I was down in the field where they were putting in turnips, and this young lad I told him to go up the yard and help the man in the cowhouse to milk.
19. That is a son of Patrick Byrne?—Yes. And he said he would not. "Well," says I, "I don't require people that won't do my bidding." With that he threw the fork down into the drill, and

walked out of the field. Pat Byrne, who was his father, who was as far as from here to the other side of the room off, he was covering the drills with the plough, threw the reins on the horse's back and walked out of the field, and I just said to him, "Well, Pat," I said, "I will want your horse in a fortnight," and he said he would give it to me in a month, and that was the whole conversation and everything that passed between us. In the course of a fortnight Pat came to me and asked me if I would purchase the crop in his land, and I said "Yes," and asked him what would he want for it—

20. It does not matter about that!—I purchased it from him, and a heap of manure he had in the ground, too. He said, "I am going to get a Land League cottage built." "Well," I said, "I have no objection, unless it is on my land." He said that it was on my land. "Well," said I, "I will oppose it." That is all that passed between us. He went away, and I don't think I have spoken a half-dozen words to him since.

21. As a matter of fact, how many cottages are there on the Earl of Fitzwilliam's property at Newcastle?—I could not exactly say.

22. The President.—How far is Newcastle away from you?—It is about one and a half miles from this farm.

23. Mr. White.—Where is Byrne gone to now?—He is working over since with Mr. Edward Cullen, and he has him in a cottage on his place. He has a house that could be made into two cottages, and he has a cottage—that is three cottages—at Killoughter, but he has a cottage at Blackhall which is quite close to his own gate, within a few hundred yards of it.

24. It was suggested that there was an actual dearth of labourers in this district, have you ever found any difficulty in supplying your requirements for labour?—Not the least. I can get far more labourers than I want. I have only to send in a message to Rathnew and I have two or three in the morning.

25. In your opinion there is plenty of accommodation for them?—There is plenty. I have several houses vacant.

26. The President.—Have you any cottages with ground attached to them?—There is Lord Fitzwilliam's cottage. This cottage which is close to my ground, had half an acre.

27. Mr. Justice Stowe.—Is that cottage empty now?—It is empty now. It has been empty ever since.

28. There is half an acre attached?—There is half an acre attached.

29. How many other cottages have you on the farm?—I have this cottage and the gate lodge, and I have a house that I am preparing new windows and a new roof for in my yard.

30. There is no land attached to it?—There is no land attached.

31. What is the size of your farm?—150 acres.

32. Mr. Justice Gibson.—What other land have you got?—I have 300 acres or near it at Castlegreen.

33. Mr. Clancy.—He has 300 acres altogether?—I have more.

34. Mr. Justice Gibson.—How near are the two farms?—Hardly a mile across the fields. By the road they are near.

35. Is the unoccupied house with the half acre on the Fitzwilliam part or your own part?—On the Fitzwilliam part.

36. Mr. Justice Johnson.—These houses that you mention on your own land as being suitable for labourers' cottages, have they an acre or a half acre of land attached?—No, they have not.

37. Mr. White.—I believe, as a matter of fact, that there is a great deal more cattle breeding now than there used to be?—There is.

38. And tillage is going out there?—Tillage is going out. You cannot expect men to till when they can only get 8s. 6d. a barrel for oats.

39. Mr. Justice Gibson.—Are there many labourers' cottages under the Act of Parliament in this vicinity?—There is one.

40. There is only one?—I really don't know of any more. There may be.

41. The President.—You have 350 acres of land and you have no labourer's cottage under the Act?—No, I have not.

42. Mr. Clancy.—I take it you have no objection to this cottage under the Act provided it is put on some other man's land?—Provided it is put on another man's land—I don't want a cottage at all. I don't want to interfere with anybody's land.

43. I am asking you a question and you are intelligent enough to know the meaning of it?—I would object to its being put on the land of neighbours that did not want it.

44. Would you object to this cottage if it was to be put on another man's land?—Not if he wanted it; certainly not.

45. Do you think it is not wanted?—I don't think it is wanted—certainly not. This man has a cottage at present that is suitable in every respect, a cottage on Lord Fitzwilliam's property.

46. Mr. Justice Gibson.—Has he a garden attached?—Certainly.

47. What sized garden?—The same as the remaining cottages. They are all made out in the same way.

48. The President.—Is that on Mr. Cullen's?—No. It is not on Mr. Cullen's property at all.

49. Mr. Justice Johnson.—Have not Lord Fitzwilliam's labourers all got cottages, not labourers' cottages, but his own, with small plots of ground attached?—I think so.

50. Mr. Clancy.—You are after saying that this man has a cottage at present?—Yes.

51. Don't you know that the cottage is condemned by the Medical Authorities?—I don't know anything of the sort.

52. Do you know what amount of land he has got attached to it?—To the cottage there is an additional half acre of land, but I cannot tell you whether Pat Byrne has it or not. He has the cottage. I know that much. I don't interfere with my neighbours at all in anything about their arrangements. I keep to myself, and I know very little about what their arrangements

53. Are you done making speeches; will you answer the question?—I will answer any questions you put to me.

54. Is Patrick Byrne a good labourer?—I have no fault to find with him.

55. You had him for twenty-five or twenty-seven years?—Yes.

56. And then you dismissed him?—I did not dismiss him. He walked out of my field.

57. You evicted him?—He walked out of the field.

58. You dismissed the son and evicted the father?—I told the son I would not require him if he would not do my business. You would do the same thing.

59. And you evicted the father in consequence of your dispute with the son?—I did not evict him. He gave me up the cottage.

60. Tell us what sort of a cottage was it?—It is one of Lord Fitzwilliam's cottages. I did not build it.

61. What sort of a cottage was it; will you describe it to their lordships?—It is a slated cottage. I don't know whether there are two or three rooms in it. There are three rooms, I think.

62. Is not the occupier of that house a man named Trim?—He has the cottage, I believe. He let it to —

63. For goodness sake answer the questions briefly; is not the occupier of that cottage and the half acre you talk of a man named Trim?—I believe it is.

64. And not Byrne at all?—But he has it let to Byrne.

65. Byrne is not the occupier?—I cannot say whether he is or not, but he is living in it. That is all I know. Whether he is the owner or occupier or not, I cannot tell you more than that.

66. Will you set this cottage you are talking of and the half acre to Byrne?—No, I don't want Byrne. I don't want a man who will throw up my situation at a moment's notice.

67. Would you set any of your cottages that you say you have in your possession to anyone but a labourer of your own?—Well, I don't want to do that. I don't want to let my cottages to anybody but my own labourers. I think it would be a very unreasonable thing to ask me to let them to other people.

68. You would rather have them lying idle?—I sometimes have them occupied.

69. You would not let them even though there were labourers' cottages required?—I would let them if I wanted labourers, I would put them in it.

70. But to no others?—No, I would not.

71. Had you an offer from a tenant for one of them recently, and did you refuse it?—For a cottage—no I think not.

72. Are you sure of that?—Oh, yes; there was a man wanted one, a gardener who came to me and wanted one of them, but he was not a man I would take.

73. He was not a labourer of yours?—He was working for me for about two months.

74. You refused him?—I did not. He was not suitable and I was not going to take on an unsuitable man.

75. Did you say on that occasion on which you refused him that you would rather have the house empty until this case was over?—No, I did not say anything of the sort.

76. Mr. White.—Lord Fitzwilliam has no labourers there of his own now as I understand?—I could not tell you that.

77. But there are about eighteen cottages in the town of Newcastle belonging to Lord Fitzwilliam?—I could not say exactly. I won't say anything that I cannot swear to.

JOHN J. BIRLEY, sworn, examined.

78. Mr. Clancy.—Are you one of the two District Councillors for the district that we are now concerned with?—Yes, Newcastle Lower.

79. Do you know Patrick Byrne?—I do well.

80. Is he a good agricultural labourer?—Splendid. I wish we had a few more like him.

81. Where does he live at present?—He lives in a place called Virgin Row on Mr. Tilton's farm.

82. What sort of a house has he got?—He has got a house with two rooms, no back door, and no back windows, and a half-acre that belonged to the Earl of Fitzwilliam, and when the tenant purchased under the Act he simply levelled the half-acre into his own land.

83. He cannot continue to live there?—No. It is condemned by the Sanitary Authority.

84. Have you got the certificate here?—No.

85. Are you personally aware of it being condemned?—I am personally aware that that Row has been condemned. I think I gave evidence to that effect at a sworn inquiry in Rathfrum quite recently.

86. Is there a want of agricultural labourers in the district?—I know of no district in the country in which agricultural labourers are more wanted or accommodation for them.

87. Mr. Keene has sworn that the tendency is towards grazing and not towards tillage. Is that to be accounted for by the absence of labourers?—Unfortunately it is, and the cause is the want of sufficient labour.

88. Mr. Justice Johnson.—What time did you know this to be an agricultural district?—I know the district well for the last thirty years.

89. How long is it since it was turned into grass?—It is going by degrees into grass for the last twenty years.

90. What is the price of labour in the district?—It averages according to the men you have. It averages six shillings a week, with board and lodging in your house, or you generally pay between ten and twelve shillings, with a house and other perquisites as well, such as coal, &c.

91. Mr. Clancy.—You employ labourers yourself?—I do. On an average I have about six working for me the whole year round, taking the harvest into consideration.

92. Could you employ more?—Yes, if the labour was there I would still more.

93. You would still more yourself?—Yes I would, a lot more.

94. About those cottages of Earl Fitzwilliam—in that land attached to those cottages?—The way it has been is—at one time the Earl Fitzwilliam levelled all the workmen's houses on the road that went through his estate, and then he built the village of Newcastle, which has between fifteen and twenty houses in it.

95. Are they occupied or not?—They are, but at the same time Earl Fitzwilliam, instead of giving directly to the labourer, handed them over to his tenants, who charged the labourer for them, and then when the tenant farmer dispossessed the labourer, as Mr. Keene has done in this case, he has unfortunately no house to go to, and he must leave the country. There are eight Irish miles of road from the boundary of Rathdown Number 2 to Rathnew, between the boundary of Rathdown Number 2 and the Rathdown district, and for the eight miles there is only one house built by the Sanitary Authority. We got great opposition, and we have to withdraw it.

96. Mr. Justice Gibson.—Have you got much tillage?—I farm a hundred and fifty acres.

97. Have you got any labourers' cottages on you?—No. I am sorry they cannot build any because there is no water adjoining the road. I am ruined for water myself. Only for that I would be glad if they would build some.

98. Mr. Clancy.—All those houses of Lord Fitzwilliam are occupied at present?—Yes.

99. These houses that Mr. Keene has, do you know them?—Yes.

100. Tell us about them now?—They are not fit for human habitation nor anything like it.

101. All those houses?—There are only two of them—the one at the end and the lodge. The dwellinghouse was allowed to fall in and the lodge is not much better.

102. In your opinion they are not fit for habitation?—No.

103. Is there land attached to them?—There is no land attached to them.

104. Mr. Justice Ross.—What about the house this man was put out of?—Mr. Keene does not own that house.

105. Is that a suitable house?—Yes.

106. Mr. Justice Johnson.—The purchasing tenant has taken up the land?—Not in this case. Earl Fitzwilliam owns all the houses in his own hands.

107. Mr. Justice Gibson.—Trim is the tenant of the lands?—Trim has purchased it.

108. Mr. Clancy.—You heard Mr. Keene tell about Cullen's house?—Yes.

109. You heard Mr. Keene speak about what he called Cullen's house. What sort of a house has Cullen?—Very comfortable, but he has built it for a friend, and he cannot give it to a labourer.

110. In fact, is it a shop?—There is accommodation for two cottages where there has been a flourishing public-house.

111. This is the house Mr. Keene was speaking of?—Yes. That house at the present moment is worth at least £30 a year to Mr. Cullen. This is a shop.

112. It was always a shop?—It was a flourishing public-house.

113. What sort is the other house?—The other is a small cottage he built for a friend.

114. Is it true to say, as Mr. Cullen said at the inquiry, that the other house that Mr. Keene alludes to, the whole roof is off the front of it?—Certainly. He does not intend to put it into repair, because he could not put it into repair.

115. Then he has no cottage but a gate-lodge, and two persons are after leaving it?—That is quite true.

116. Mr. White.—You started by saying that actually they have turned to grazing down in Wicklow because they have not enough of labourers' cottages?—Yes.

117. Do you remember you were before the Local Government Board Inspector—you were asked by Mr. Toomey—"Is not it a fact that as time have been going on agriculture has been going down and grazing has been going up as a means of making remuneration out of land?" and you said—"Yes, that is true; but grazing goes up according as it pays." Don't you know perfectly well that that is the reason?—That is quite right.

That is a very good answer.

118. Mr. Keene does not seem to know very much about these cottages in Newcastle. There are about twenty of them in Newcastle?—Between fifteen and twenty.

119. Everyone of these has half an acre of land?—No.

120. How much?—There is half a rood attached to each house.

121. The President.—Are not they in the village?—Yes.

122. Mr. White.—Lord Fitzwilliam has no labourers himself directly at all?—No. He has sold his estate.

123. He lets these to tenants, and they give them to the labourers?—Yes.

124. That man Trim is a tenant farmer?—Yes.

125. What else farm has he?—About 120 acres.

126. Was the cottage that Byrne had from Trim on Trim's own land, or was it a village cottage?—It was built on the farm by Earl Fitzwilliam, and was put into the farm for the purpose of purchase and he bought it with the holding.

127. He bought 120 acres with a cottage on it which Lord Fitzwilliam had used as a labourer's cottage?—Yes.

128. And he then brought it into his own holding?—Yes. Earl Fitzwilliam wished to get rid of it because it was away from the village, and added it to the farm at the time of the purchase, so that the tenant would have it.

129. So when the tenant—that is Trim—got it, there was no labourer's cottage on his place?—No, there was not. He levelled the garden into his field, built up the back windows and back door, and left the unfortunate man nothing in front but a window and a door.

130. Did you think of putting a cottage on Trim at all?—The labourer is not altogether to blame for planting the house on Mr. Keene.

131. Did your Council think at all of putting a cottage on Trim?—I think where the site was selected by the labourer is more suitable than on Trim.

132. Are there no suitable places on Trim's land?—Not so suitable. The land is very inferior. We wished to give the labourer the best land we can, especially when we can get a man to mind it.

133. Owing to the excellence of Mr. Keene's land as tillage land?—Both; it is mixed.
 134. Mr. Cullen has no tenant at the present time for the labourer's cottage on his land?—I won't call that a labourer's cottage.
 135. Has he no tenant for it?—He can have a tenant for it to-morrow, and he is going to have it.
 136. He has no tenant at the present time?—No. It is only quite recently built.

PATRICK BYRNE, sworn, examined.

137. Mr. Clancy.—You are Patrick Byrne the labourer in this case?—Yes.
 138. You were 27 years I believe in the employment of Mr. Keene?—Yes.
 139. What sort of a house have you at present?—A small little cottage with two little rooms, one room and a kitchen.
 140. How many rooms are in it?—There is only one small room.
 141. How many in family have you?—Six.
 142. There are four children, yourself, and your wife?—Yes, three girls and a boy.
 143. Is it one or two apartments?—Two. There is a little upstairs in the house.
 144. How do you hold that house?—At a shilling a week.
 145. You are a weekly tenant?—A weekly tenant.
 146. You have no land?—I have no land.
 147. Has the house been let to you permanently or has it been let to you only temporarily?—Only temporary.
 148. Until you get some other cottage to live in?—Yes, and I am under notice at the present time.
 149. Your present landlord is Mr. Cullen, the man from whom you have the house you are living in?—Mr. Trim.
 150. He is the real tenant of the house and you are a sub-tenant?—Yes, I am paying a shilling a week.
 151. Mr. White.—Mr. Keene did not dispense with your services?—I beg your pardon.
 152. Mr. Keene did not dispense with your services; he did not dismiss you?—He did not dismiss me.
 153. But he sent your son away?—He did.
 154. And was not it merely because you were annoyed at your son being sent away that you left?—I wanted to keep him with me. I did not want him to go away from me.
 155. You were annoyed at that?—I was.
 156. You say you were annoyed with Mr. Keene for sending away your son?—Yes.
 157. Did you tell him afterwards that you would have a Land League cottage put on his land?—I did not at the present.
 158. Mr. Justice Ross.—Did you at that time?—In a fortnight when he came up.
 159. You told him then you would put it on?—I said I was going to look for a cottage. "Where will you go to look for it?" he said.
 160. Mr. White.—Did you say you would put a Land League cottage on him?—Not a word.
 161. Did you use the word Land League cottage?—I never mentioned it.
 162. Don't you call these cottages Land League cottages?—They do.
 163. Don't you call it Land League cottages?—I often did, but not to him.
 164. You think it was the Land League got you the cottage?—I do not think any such thing. I told him I was going to look for a cottage.
 165. Did you hear Mr. Keene swear you said Land League cottage?—I never said it.
 166. Though it is the usual phrase you would use?—It is, but I did not say it. I never mentioned the name.

Mr. Justice Gibson.—Is there any officer to be examined to prove the state of the cottage of Trim?

Mr. Clancy.—Mr. Reilly is after swearing that it has been condemned. It was since the inquiry before the Local Government Board Inspector that he was put into this house, and that explains why there was no evidence about it at the local inquiry.

The President.—Is there anyone who knows anything about it now?

Mr. Clancy.—Would your lordship allow me to ask Mr. Reilly about this house of Trim's?

167. Mr. Justice Ross (to Mr. Reilly).—Why don't you put this cottage on Trim's farm, it is 150 acres—this man is working for him?—He is not working for him; he is working for Cullen.

168. Mr. Clancy.—Do you know this house of Trim's?—I do.

169. What sort is it?—It is impossible for a man with a family to live in it much longer.

170. How many rooms are in it?—There are two small little apartments in it with no back windows.

The President.—The Committee see no reason for rejecting this cottage.

Mr. Clancy.—I would ask your lordship to make the usual order about costs.

The President.—Very well. Under the circumstances we will give no costs.

PETITION OF WILFRED THOMAS against the erection of a Cottage on the Townland of Ballinaspark, Electoral Division of Glenties.

Objector appears in person.

WILFRED THOMAS, sworn, examined.

171. The President.—We are ready to hear what you have to say?—I am objecting to this cottage in person and to the attempt to have it put on me. I have already got five cottages on the land. I have got quite sufficient labourers for what I want. I have only got about ten acres

of tillage. It is within about a mile of Rathnew, where I can get any amount of labour. All my cottages have as much land as the people want. If they want any more land I will give it to them, but at the present moment they have a great deal too much land because they want their employer to plough up their pieces of ground for them. In nearly every case of these labourers' cottages they till them themselves. There is too much land, and they have to get and put in oats and fern crops. This man, I don't know his name, who is applying for a cottage on my land came to me about two years ago and asked me to sign a requisition to have a cottage put on my land. I said I would do no such thing. Then he went away and made application for it to be put on my land, and that was at a time when he was working for my next-door neighbour, Mr. Byrne, who had no labourers' cottages on his land. Another man then came in and got a cottage put on Mr. Byrne's. This man went away, and as he could not get a cottage then he tried to get it on me. Ever since then he has been working for somebody else. He has never been in my employment. I only saw the man once in my life. I have already five cottages, and I only farm about 150 acres, and I think five cottages with that amount of ground is quite sufficient.

172. Mr. Justice Johnson.—They are all occupied?—Every one of them.

173. Have each of them, although they put you to the trouble of tilling for them, have each of them a bit of ground?—Every one of them. I was wrong in saying five cottages. I have four at the present moment, and I will have another on the 29th of September. There is a sub-tenant of mine and I am taking up his holding inside my farm on the 29th of September. That will give me five cottages.

174. Your first objection is the situation. Have you a map here?—No, I have not, but I have already a gate lodge, and it is next the gate lodge that the plot of ground is on which they are trying to put the cottage.

175. Mr. Justice Gibson.—Is it on the same side of the road or opposite?—It is on the same side of the road.

176. Mr. Justice Johnson.—Is that your main entrance?—It is my only entrance with a lodge, though it is really not my main entrance, because I do not use that entrance very much.

177. Does this labourer's cottage adjoin the lodge?—It would adjoin the lodge.

178. Mr. Justice Ross.—How far away is it from the lodge?—I suppose it would be between 30 and 40 yards.

179. You live on that place?—I do.

180. What is the meaning of this: that is marked on the other side of the road (shows map)?—I don't know. I never saw that before. I only got the one map showing the cottage which I objected to.

181. Mr. Justice Gibson.—How much ground have you attached to your four cottages at the present time?—There is one cottage has a small bit of ground. Another cottage has about, I should think, nearly a rood or more, and I should think that the two cottages down by near where they want to put this cottage have nearly half an acre between the two.

182. A rood each is about the amount?—Yes, I should think taking all of them there is nearly half-an-acre.

183. Mr. Justice Johnson.—They have land enough, and you are disposed to give any more that they may require?—Certainly, any amount of land. I will give any more that they can till without requiring horses to come down and grab it up for them. Half the labourers' cottages in the country are dealt with like that.

184. Mr. Clancy.—What is your name: is it Wilfred Tighe?—Yes.

185. Are you owner or occupier, or both?—No, I am not, I have not bought out. I am only the tenant.

186. There is Colonel Tighe mentioned as the landlord and occupier: are you one and the same person?—I have not that honour. My father was the late Colonel Tighe.

187. You are the occupier?—Yes.

188. Were you at the local inquiry?—No, I was not. I went the first day on which, according to the advertisements which appeared in the papers, it was to be held. I went there and lost the whole day, and was told then it had been put off until the next day, and I could not attend the next day.

189. Did you read the evidence of Mr. William Byrne, District Councillor, given at the inquiry?—I did not. I don't recollect it.

190. Listen to this: "Do you know the site?—I do. Did you see Mr. Wilfred Tighe at the site?—Yes; the day Mr. Boyd and myself marked out the site, we met Mr. Tighe and he offered no objection. He pointed out the place for us to mark."—That is not true. I never met Mr. Byrne at the site.

191. Nor Mr. Boyd?—Nor Mr. Boyd or anybody else.

192. That is all false?—That is false, that I met Mr. Boyd at the site.

193. Could there be any other Mr. Tighe who met them?—No.

194. And this is an invention that you met Mr. Boyd and Mr. Byrne at the site?—It is an absolute invention that I met them at the site.

195. Mr. Justice Gibson.—Was there ever any talk about the site whether you met them there or not?—I did meet them, but it was not on the site, but on the road.

196. What was the conversation?—I told Mr. Boyd I objected to any site.

197. No matter where?—Yes.

The President.—That is what Mr. Byrne says. The day they marked out the site they met Mr. Tighe.

Mr. Justice Gibson.—And he pointed out the place for them to mark.

198. Mr. Clancy.—All that is false?—I said, if there is a site put on it there is only one place in it. I did not go with them at all, but I said, if there is to be a site—

199. Mr. Justice Gibson.—Where is the place you indicated?—Somewhere near where it is now.

200. Did you indicate it?—I said, there is only one place. If there is a cottage put, you must put it on the high road.

201. Substantially, is this the least objectionable place that a cottage could be put on?—It was at the time, but circumstances have altered since then. There was a forge and a cottage there at that time, and it was all in a state of dilapidation, but since then the man who owned the forge and the piece of ground has given them up to me. His wife died, and he has gone to Rathdrum. He gave up the ground, and I, not knowing then that the plot of ground had been planted there, rebuilt that forge and made a cottage on it, and it is now one of my cottages with part of the ground at this place.

Mr. Justice Gibson.—Then there is very little conflict between you and Mr. Byrne.

202. Mr. Clancy.—Tell us about those cottages. You have four already, and you say you will have five soon. Is not one of them a mere forge?—One of them was a forge, but it has been turned into a labourer's cottage, and a very good labourer's cottage—I spent £8 on the same cottage.

203. Have you added to the number of rooms?—No, because there was no requirement to add to the number of rooms. There are only a man and his wife and a baby, and they don't want three or four rooms.

204. Is there a tenant in that place now?—There is a man working for me now. When he requires more room I will give it.

205. How many apartments are there?—Two, the kitchen and bedroom.

Mr. Justice Gibson.—Where exactly is this forge?

206. Mr. Justice Gibson.—Was it near the plot proposed to be taken?—I think so. I think it was on the very place. I never could quite make out.

207.—Mr. Justice Gibson.—On the Ordnance Map there was a building on the place where this was required; do you think that this was the forge?—I think so. I think that the forge would come in useful for building the house.

208. Mr. Clancy.—You have told us of one of those cottages in your hands; that is the forge, or what was the forge—the gate lodge is the next?—The gate lodge is next.

209. Is not that a ruin?—It is no such thing. The gate lodge is perfectly good.

210. Is it vacant or occupied?—It was occupied up to this week, and I am not sure whether it is not occupied now. My gardener was in it.

211. Do you mean to say it was occupied for the last two or three years?—It has been occupied on and off ever since I got the place.

212. Have the people left it because it was too small and unfit to live in?—No.

213. How many rooms are in it?—Three rooms, I think. Mr. Fenton built that.

214. Mr. Justice Gibson.—There is no gate lodge at the main entrance, but there is at this other entrance?—Yes.

215. Who is in it at present?—My gardener is in it.

It is a very proper place to find one of the domestics or people living about the place labouring in.

216. Mr. Justice Gibson.—How many labourers have you got altogether living on the farm?—I have got five or six, generally six.

217. Mr. Clancy.—Some of the labourers are housed outside?—Yes.

218. On other people?—Yes.

219. Are there any of these labourers' cottages public labourers' cottages?—They won't be now.

220. But are there any of these public labourers' cottages in the district?—Yes; there are two on the opposite side of my gate lodge.

221. Have you got any other land besides this place?—No.

222. How many acres do you farm?—About 150.

223. You have no union cottage put on you?—I don't require them.

224. I am simply asking you a question; you have none?—No.

225. In addition to the gate lodge at the forge, what other cottage have you on your land, labourer's cottage?—I have got a cottage at the end next the barn, down the lane, a small cottage.

226. Is that the cottage occupied by a man named Mullin?—No, I have no man named Mullin.

227. Had you a man named Mullin?—No.

228. How many rooms are there in that cottage?—I could not tell you. I never heard.

229. Had you a labourer named Cullen?—I have.

230. Is that where he lives?—No.

231. What sort is the house you are referring to?—It is a small thatched cottage. At present there is no labourer of mine living in it. There is a labourer of my neighbour. She asked me to let her have it.

232. How many rooms are in it?—I don't know. I never was in it.

233. You would not be surprised to hear that there were only two rooms, or that it was a one roomed cottage?—I don't know.

234. How many windows are in the place?—I don't know. It is occupied by a labourer working for a lady who lives near.

235. Is there any ground attached to it?—There is.

236. How much?—I could not tell you that.

237. A quarter of an acre?—No. Quite enough for one man to work by himself.

238. Where does Cullen live?—Cullen lives in what was the forge. Cullen asked me to give him that cottage. He had no cottage at all, and he asked me to take him into my employment and give him that cottage.

239. Are these all the cottages you have?—No, I have two others, and I have one in the yard with a herd in it, and one that will become vacant on the 29th of September.

240. That is occupied at the present time?—Yes.

241. Have any of them more than two windows?—Yes, they have from six to four and five.

242. What is the greatest number of windows in any of them?—There are plenty of windows.

243. I think the forge is actually on this site?—I cannot swear that.

244. That is a material thing!—It is turned into a house.

245. Mr. Justice Johnson.—It was a forge and fell into ruins and is no longer a forge?—Yes.

246. Mr. Clancy.—But is not it on the site selected?—I cannot swear that.

My lord, there is a witness here who says that what was the forge is actually the site selected.

Mr. Justice Johnson.—Yes; he told us that long ago.

247. Mr. Justice Gibson.—We cannot have two labourers' cottages on the same site; is it proposed to put out our labourer to put in another?—That is what it comes to.

Mr. Justice Gibson.—It all depends on whether the two sites cover the same area.

248. Mr. Justice Ross.—There is another man on this site now?—Yes.

249. Is he in your employment?—Yes.

250. They are proposing to take this site and put him out and put in their own man?—I don't know what they are going to do.

Mr. Justice Gibson.—We will have to be satisfied as to the area.

Mr. Clancy.—The District Council are perfectly satisfied to take a site alongside this forge.

Mr. Justice Gibson.—If you take away the cottage of an existing labourer it cannot be justified for a moment.

Mr. Clancy.—It does not follow necessarily. It is a ruin at present.

GARRETT MOORE, sworn, examined.

251. Mr. Clancy.—Did you survey this?—Yes.

252. Mr. Justice Ross.—You made this map?—Yes. These were at the time old buildings falling into ruins.

253. Mr. Justice Johnson.—At what time were you there?—On the 16th of April, 1904.

254. Mr. Justice Ross.—Was there a house there a man could live in?—It was not fit to live in.

255. Was there a man living in it then?—No.

256. Is there a man living in it now?—I could not say that.

Mr. Tighe.—There is a man living in it now.

The President.—Mr. Tighe repaired it since and people went to live in it.

257. Mr. Justice Ross.—You have not seen it since it was repaired by Mr. Tighe?—No.

258. The President (to Mr. Tighe).—Did you put in this labourer after the Scheme was started and after the site was inspected, to your knowledge?—I did, but I did not know that that was the site. I did not know where the site was—that it was the house there in ruins.

259. Mr. Justice Gibson.—I thought you indicated to Mr. Boyd and Mr. Byrne the site that would be least objectionable for putting up a labourer's cottage, and that it was on this very place?—Not the forge. I had no notion they would take the forge. It was a good building, and only required a few pounds expenditure to put it into condition for a labourer.

THOMAS KENNEDY, sworn, examined.

260. Mr. Clancy.—You are Thomas Kennedy, the labourer, in this case?—Yes.

261. Are you married?—Yes.

262. How many children have you?—Six.

263. That makes eight, including your wife and yourself?—Yes.

264. Where do you work?—I am working on the golf grounds at Wicklow.

265. Mr. Justice Ross.—Do you mean working as an ordinary labourer at agricultural work?—At agricultural work.

266. Mr. Justice Gibson.—How far would you go from Ballinapark every day?—I don't go from Ballinapark. I live in Rathnew on the commons.

267. Where is the golf ground?—Beyond the station.

268. How far would you have to go to the golf grounds if you had a house in Ballinapark?—If I had a house there I would not go to Wicklow. I would work in the neighbourhood.

269. Mr. Justice Johnson.—Is Mr. Brooks living in Wicklow?—No, he does not live in Wicklow. He has a place at Knockrobin.

270. How far is that from Ballinapark?—About 1½ miles.

271. You were with him about twelve months?—About a year and eight months.

272. You were asked why a cottage was not put on him, and your answer was, "I was living with Mr. Garrett Byrne, of Croonakerry"?—At the time I was about to put in for a cottage I was with Mr. Garrett Byrne.

273. Is there a house on Byrne's land?—There is.

274. Mr. Clancy.—A union cottage?—Yes.

275. This job you are at, at present is not a permanent job?—It is not a permanent job; and the only objection Mr. Tighe had to me was that I did not put in for one on Mr. Byrne, and there was one on Mr. Byrne at the time.

276. What sort of a house are you living in at present?—It is only very poor. It is a thatched cabin, with two little apartments.

277. Mr. Justice Gibson.—Is it in Rathnew?—Yes, on the common.

Then it is very poor.

Mr. Justice Johnson.—The question is not whether he should have a dwelling, but whether he should be put on the particular place at Ballinapark; that is the real point.

Mr. Clancy.—The grounds of objection are that the site adjoins the gate lodge at the entrance to the petitioner's residence, and I submit his own evidence shows that he previously indicated that site. The fact that he finds no difficulty in obtaining labourers is not sufficient ground at all for rejecting this cottage.

Mr. Tighe.—There is another point I did not mention at the time, and that is, there is no pure water at that place for any man.

Mr. Clancy.—I understand that the engineer is prepared to state the contrary.

Mr. Moore.—My note says, "water close by."

375. Mr. Justice Johnson (to Mr. Moore).—Have you heard what Mr. Tighe says, that there would be no fresh water for a man living there?—There is a river close by.

376. Mr. Justice Ross.—What do you say to the river?—(Mr. Tighe).—I say it is not fit to drink. The water is contaminated.

380. Mr. Justice Gibson.—Has the river got a name?—No. It is only a little stream.

381. Mr. Justice Johnson.—Where would this man have to go for water?—To my own well.

382. That would not be available to a labourer occupying a labourer's cottage without your permission?—No; he would have to come down through my garden.

Mr. Clancy.—I was going to ask your lordships whether the second and third grounds are grounds at all?

The President.—The grounds are apparent enough. The man has 130 acres, and he has four cottages and another coming on—that is five. On the whole, we don't think it is reasonable to put this cottage on the man.

Mr. Clancy.—I would ask your lordship not to give costs.

The President.—We cannot give costs. The man is appearing in person.

PETITION OF CYRIL V. RUSSELL and JOHN C. RUSSELL against the erection of a Cottage on the Townland of Johnston North, Electoral Division of Kibbidee.

Called for Objection.—Mr. Seely, instructed by Messrs. Hamilton and Craig.

Mr. Seely.—If your lordship please, this is a case of an existing house that has been condemned as unfit for human habitation, and I would call attention to the fact that our chief point is the Doctor's certificate.—Dr. Hudson—I don't know whether he is here or not—"This is a fairly good thatched cabin, but I consider all thatched cabins unsanitary."

Mr. Justice Johnson.—I am afraid that must have been drawn up for some other place than Ireland.

Mr. Clancy.—The evidence as given in print was—"I consider all old houses unfit," and then he was asked, "Do you consider the house that Sheehan lives in unfit for healthy human habitation?" and he says, "I do."

Mr. Seely.—This is a copy of the certificate I am reading from. The other objections are that the cottage is quite insanitary.

Mr. Justice Ross.—What size is it?

Mr. Seely.—It has three rooms and a thatched roof, two rooms and a kitchen; and we say there are plenty of cottages vacant in the neighbourhood; and another point is that there are two union cottages, within about two miles of this place, which have been built for the last two years, and have never been inhabited.

Mr. Justice Johnson.—That is a much stronger ground.

Mr. Seely.—There are men paying rent for them. These men who have got them are so eager to get the ground that they pay for the cottages without occupying them.

CYRIL RUSSELL, sworn, examined.

253. Mr. Seely.—Do you know the cottage with the thatched roof which has been condemned by the doctor?—Yes.

254. Tell their lordships what kind of a cottage it is?—It is a very good cottage with three good rooms in it, and is newly thatched.

255. Did the labourer ever complain to you?—Never.

256. At present it is occupied?—It is occupied by a labourer in our employment.

257. What family has he?—He has two children.

258. Mr. Justice Gibson.—Is there any ground attached?—Yes, two gardens.

259. What use are they?—I should say there is about a rood between the two.

260. Mr. Seely.—Do you give the man living in it always a barrel of potatoes?—Yes, we give all our labourers a barrel of potatoes in the field, we till their land, put in their potatoes and take them out for them.

261. Mr. Justice Gibson.—What size is the farm you live on?—About 140 acres.

262. Mr. Seely.—How many labourers' cottages have you on all your holdings altogether?—Seven.

263. Mr. Justice Ross.—Have you any other holding except this one?—Yes.

264. How many have you altogether?—Four different farms.

265. How many acres altogether?—350.

266. Mr. Seely.—One of your cottages is built under the Labourers Act?—Yes.

267. Mr. Justice Gibson.—Are all your farms on the Fitzwilliam Estate?—No.

268. Among the cottages in the neighbourhood is there one on Mr. Dillon's?—Yes. It has never been inhabited since it was built.

269. Mr. Justice Gibson.—Is one built?—About two or three years.

270. Mr. Seely.—Is there a man paying rent for it?—I heard so in Rathfrim.

271. And not living in it?—Yes.

272. Mr. Justice Johnson.—Do you know anything about it?—Yes.

273. Is there any land attached to it?—Yes, half an acre.

274. Is there a half acre?—Yes.

275. Mr. Seely.—Though the house is not occupied the half acre is used?—Yes, it is notorious. The other cottage is on Mr. Evans, of Croghan.

306. The President.—How far is that from you?—Clonpatton, the first place, is scarcely two miles.
307. Mr. Seely.—How far is that from where the labourer works at present?—About two miles.
308. Is not he working with Mr. Evans at Oughan?—This is the Clonpatton cottage.
309. Is not there a cottage on the farm he is working on at present?—Yes; it is idle too.
310. Mr. Justice Ross.—It is a labourer's cottage built under the Labourers Act?—Yes.
311. With a half acre of good land?—Yes.
312. And nobody living in it?—Yes.
313. Is there anybody cultivating the half acre?—I don't think so.
314. Is Mr. Evans here?—Yes; not the owner, but his brother.
315. Mr. Seely.—Have you any trouble in getting labourers in the neighbourhood?—Not the least.
316. If the labourer was in this second cottage that you have mentioned with the best unoccupied, would he be nearer his work than if put on your land?—A lot nearer. He is working with him.
317. Mr. Clancy.—Were you examined at the inquiry below?—I was.
318. Did you mention anything about this cottage under the Labourers Act which was built and not occupied?—I fail to say whether I did or not. I cannot remember.
319. You know you did not?—I don't know I did not.
320. Will you be surprised to hear that a man named Dillon is in actual occupation of the place?—He never inhabited it.
321. Will you undertake to swear that a man named Dillon has not been and is not now in occupation?—He may be in occupation, but he never inhabited the house.
322. What do you mean?—He never lived in it. Nobody ever lived in it. He is living on the farm next to it with his wife.
323. Are you quite sure of that?—I am quite sure of it. I will swear it.
324. You say in your objection that William Steadman, the person for whom the proposed cottage is intended, is not in need of a cottage, and at the date of the inquiry, held a suitable cottage from Petitioners. Tell us what sort of a house is that he held from you?—A very good cottage.
325. Tell us what sort it was?—I have just stated it has three good rooms, a very large kitchen and two bedrooms.
326. You don't seem to set very much value on it yourself?—Why?
327. Is not it a fact that you have left it always open to everybody to go in?—No. It is at present inhabited by a man who is working for us. We had three applications for it, and the man is here.
328. Is not it a fact that it has always been open for everybody to go in?—Not that I know of.
329. What did you do to repair it?—It needed a little thatching.
330. I think the floor was full of holes?—There were some small holes.
331. And the roof was full of holes?—Not very many.
332. But the rain came down on to the floor?—Not that I know of.
333. There were holes in the floor. What do you think made them. Did you try to obtain a tenant for this house?—We never tried, but we had three applications for it.
334. Did you fail to get a tenant?—Never. We have one at present—a man that I would like myself.
335. How long have you let it to him?—About two months.
336. On your oath is that house fit for human habitation?—On my oath it is. Anyone would be glad to live in it.
337. Did a man come to you whom you had engaged to work, and when he saw the house he would not live in it?—Never. When I got his character I said I would not take him.
338. Do you recollect a man whom you got from Gorey to work with you?—I never got a man from Gorey.
339. Did you engage any other man who refused to live in this house and consequently left your employment when you could not provide him with another house?—I did not.
340. All that is imagination?—It is not.
341. How many rooms are there in it?—Three.
342. There are two rooms and a kitchen, I think?—Yes.
343. Is not one of those rooms occupied by a man named Byrne?—No. It is a good cottage I am speaking of.
344. I am talking of the cottage in which you say Steadman lived?—Never. There is a man of our own in it at present.
345. Is this all imagination that this house of two rooms and a kitchen and is occupied partly by a man named Byrne or rather a woman named Byrne?—Not at all. It is occupied by a man who is working for us.
346. The whole of it?—The whole of it.
347. Mr. Justice Johnson.—We have this statement in the Inspector's report:—"It is a fact that Steadman has left Petitioner's employment, and that some repairs have been done to the house he occupied."
348. Mr. Clancy.—Did not you dismiss Steadman, and turn him out?—I dismissed Steadman, which I can explain too.
349. Was not it for making application for this cottage?—Decidedly not.
350. You heard that sworn at the inquiry?—Yes, Steadman swore that.
351. Do you contradict it?—I contradict it.
352. Is there any foundation for it?—For what?
353. For that statement?—That is dismissed him for the cottage?
354. Yes?—No foundation whatever.

364. Had you any conversation with him as to the reason why you dismissed him?—Yes, for his very gross impertinence to me on two occasions.
365. What was it he said?—Most vile abuse.
366. Was there anything about looking for a Land League cottage?—Nothing about it. The last time he was dismissed for gross impertinence, and I asked my brother to take him back.
367. Was there anything said about his applying for a cottage at all?—Not that I remember.
368. Do you remember whether or not in the year 1899 three of those cottages of yours were condemned by the doctors?—I never knew it.
369. Would you be surprised if they were?—I would.
370. Is there no foundation for that statement at all?—Not that I know of.
371. And not one of them was condemned?—The house that Steadman was living in was condemned.
372. Were not three of these seven houses you have referred to condemned by the doctors in 1899?—I never heard it.
373. How many men do you employ yourself?—Ten labourers.
374. How many houses have you for them?—We have seven.
375. You have no Union cottages at all?—We have a cottage that we built ourselves under the Union.
376. Have you any Union cottage on the lands?—It was ordered at the second last inquiry in Rathdown. In 1901 we were ordered to erect a cottage which we did.
377. For Steadman?—No, we wanted it ourselves.
378. Don't you know that the cottage which you were to erect under that order was applied for by Steadman and by no other?—He applied for it, but we did not build it for Steadman. We built it for ourselves and put whom we liked into it.
379. You built it by order of the Local Government Board?—Yes.
380. And that order was made on the application of Steadman?—I don't know. It may have been.
381. And you did not give it to Steadman?—We never promised it to anybody.
382. The President.—Did you build it for another labourer?—We built it because we were ordered to do so.
383. Mr. Justice Ross.—Have you any other labourer in it?—We have set it to a labourer.
384. Mr. Clancy.—You would not let it to Steadman?—We would not.
385. Mr. Seely.—Does this man work for you?—We have it set to an outsider who does not work for us.
386. Steadman asked for a cottage in 1903?—Yes.
387. That is when the Representation was made?—Yes.
388. You dismissed him last November?—Yes.
- Mr. Clancy.—It is in 1901 that this order was made. We have it here.

ROBERT EVANS, SWORN, examined.

379. Mr. Seely.—Do you know the Union cottage on your brother's farm at Croghan?—Yes.
380. How long is it built?—Over two years.
381. Has it ever been inhabited?—Not that I am aware of.
382. I suppose you live close to it?—Yes.
383. You would know if it was?—Yes.
384. Do you know if there is a man paying rent for it but not living in it?—I cannot say, but I was given to understand that was the case.
385. Do you know the cottage on the place of Mr. Dillon, of Clonpatton?—Yes.
386. Is it a Union cottage?—Yes.
387. Mr. Justice Ross.—Is the half-acre cropped?—I could not say.
388. Mr. Seely.—How long has that cottage been built?—Over a year at all events.
389. Has that ever been inhabited?—Not to my knowledge.
390. Is the land attached to it cultivated?—I could not say.
391. Mr. Clancy.—You were not examined at the Inquiry below?—I was not.
392. Why were you not?—I don't know.
393. You were not asked?—No.
394. Tell me about those cottages that you say were built and not occupied—is it not a fact that the reason why they were not occupied was that they were not finished owing to the contractor's default?—I don't know.
395. Don't you know that very well, that they were not finished, and that that was the reason why they were not occupied?—The one on my brother's land, I think it is repaired.
396. Cannot you tell me the reason?—I cannot say. I won't state what I don't know.
397. Are not they occupied now?—Not that I am aware of.
398. Mr. Justice Gahen.—When did you see them last?—About three months ago.
399. Mr. Clancy.—They were not occupied then?—Not that I am aware of.
400. Mr. Justice Johnson.—Were they taken up by the contractor from the Guardians then, because they could not have been occupied until the contractor had handed them over?—The man who had it on the brother's farm cut the hay off.
401. He might do that although the house had not been taken over. Did the place seem to be finished?—Yes, as far as I could see.
402. Mr. Clancy.—Do you happen to know the house in which Steadman lives at present?—Yes.
403. Are not you the landlord of it?—Yes.
404. How many people are living there: is there a Mrs. Byrne living there?—There is.
405. And paying rent for it?—She does.
406. To you?—Yes.
407. And Steadman lives in the rest of the house?—Yes.

408. How many apartments are there in the house?—Three.

409. Two rooms and a kitchen?—Yes.

410. And Mrs. Byrne occupies one of the rooms?—Yes.

Mr. Justice Johnson.—The report of the Inspector in reference to this was—"The evidence of Dr. Hudson taken at the inquiry showed that the house occupied by Steadman on petitioner's holding was unfit for healthy human habitation." He does not put it on the watch or anything of that kind.

Mr. Seely.—Here is his certificate.

Mr. Justice Johnson.—I don't mind the certificate. I would attach more importance to evidence given on oath before the competent officer. The evidence of the doctor shows this. I believe the Inspector when he says this. I don't disbelieve him. Here is his evidence at the inquiry:—"1880.—You remember this house of Steadman's, doctor?—I do." Then he says, coming to the point, "From your knowledge of the house, and of the family, do you consider it unfit for healthy human habitation?—I consider all old houses unfit. Do you consider the house that Steadman lives in unfit for healthy human habitation?—I do." And he is not cross-examined as to this.

Mr. Justice Gibson.—What do you say to what is under his own hand in writing—"This is a fairly good thatched cabin, but I consider all thatched cabins unsanitary?"—I would sooner have that.

Mr. Justice Johnson.—Is it not evidence at all, what he says in writing.

Mr. Seely.—That is what the Council acted on.

Mr. Justice Johnson.—He is not cross-examined on that. The question is not whether Steadman's present house is unfit for human habitation. The question is whether what the guardians have done would give him a house fit for human habitation.

411. Mr. Seely.—Mr. Ruskell can swear that one of these cottages was given over by the contractor a year and a half ago. (To Mr. Ruskell).—Do you know this cottage on Clonpatton?—Yes.

412. When was it given over by the contractor?—One and a half years ago.

413. Do you know about the other one?—I believe it was given over at the same time, but I cannot swear.

414. Mr. Clancy (to Mr. Moore).—Were not you the architect of these houses?—I gave the final certificate.

415. Mr. Justice Gibson.—How do you know whether they were taken up by the contractor?—I only know from my connection with the Board.

416. Mr. Justice Ross.—Is the one at Clonpatton occupied?—Yes.

417. When was it occupied?—A few months ago.

418. How long is it since it was taken up?—About nine months ago.

419. Then it was vacant on your hands for nine months?—I think not. Only for a few months.

420. Mr. Clancy.—As a matter of fact was not there a delay in finishing these houses?—Orogen house I only certified as complete about a month ago.

421. Mr. Justice Ross.—Are they occupied yet?—The agreements were signed to be occupied.

422. How long is it since they began to build them?—These houses are building for three years.

423. Have you no way of hurrying up the contractor?—Unfortunately no. There was a lawsuit threatening. There were different engineers beforehand, and nobody knew exactly where they were. Afterwards we got the contractor to finish them up.

424. Mr. Justice Johnson.—Did you hear the evidence that there was a cottage given up to the guardians about a year and a half ago and that it has never been occupied?—It could not have been. I was appointed engineer only about a year and a half ago, and it was not more than half built when I was appointed.

425. You recollect the particular cottage at Clonpatton?—Yes.

426. Is that occupied now?—I cannot swear that, but I know that the tenant has signed the agreement.

427. Mr. Clancy.—A man named Charles Harris is in occupation of it?—I could not tell the man's name.

Mr. Clancy.—It was stated at the local inquiry that it is not a vacant cottage.

Mr. Seely.—That is a different cottage altogether.

Mr. Clancy.—You will find it at the end of page 15.

Mr. Justice Johnson.—That is a different case altogether.

Mr. Clancy.—That was the only cottage about which there was any suggestion at the local inquiry that it was vacant.

Mr. Seely.—I have the labourer here who is at present living in Mr. Ruskell's cottage, if you would like to hear him. I would also refer your lordships to the sanitary certificate on page 10.

WILLIAM STEADMAN SVOIN, EXAMINED.

428. Mr. Clancy.—You are the labourer connected with this case?—I am.

429. You lived in a house of Mr. Ruskell's?—I did.

430. Why did you leave it?—Because he put me out of it.

431. What sort of a house was it?—It was a very bad house. It was propped up with stone posts, and it was shored inside with boards to keep the walls from falling. In fact they did take to fall one time, and we had to run out of it. The stones took to fall out of the wall.

432. You applied in 1880 for a cottage?—About that time.

433. And the cottage was granted?—It was.

434. Did you get it?—I did not.

435. On Mr. Ruskell's land?—I did not.

436. What sort of a house are you living in now?—I am living in a thatched cottage with two rooms, part of a house, two small rooms.

437. What family have you got?—Seven children, myself and my wife.
 438. You have got no kitchen in the place?—There is a room and a kitchen. There are three beds packed as tight as can be in the little room we all sleep in.
 439. There is no land attached?—There is about a quarter of an acre.
 440. Does Mrs. Byrne occupy the house?—She does.
 441. And she pays a separate rent to Mr. Evans?—She does.
 442. Do you know those houses Mr. Ruskell says he has on his holding?—I do, well.
 443. Tell us what they are?—He has three good houses.
 444. Are they occupied?—They are occupied; and then he has three bad houses, which were condemned in my presence at the last inquiry after the passing of the Local Government Act.
 445. Condemned by the doctor?—Yes, certain repairs were to be carried out, but they never were carried out.
 446. Are they occupied?—They are occupied.
 447. Is there any other house now that you could get in the place?—There is not. I tried very hard, and it was out of hardship made me go to this woman's house I have at present, because I could not live in it. Every person who lived in it for the last fifteen years had to go out of it.
 448. Do you state that of your own knowledge?—Of my own knowledge. For the last ten years there were three or four people in it, and for a lot of the time it was idle.
 449. Do you know a cottage occupied by a man named Charles Harte?—I do, well.
 450. Is he living there now?—Yes, he is living there with his father, mother, brother, and sister.
 451. Do you know these union cottages that are said to be vacant?—I do, well.
 452. Are they vacant?—I was talking to the man who owns one of them about a month ago, and he told me he had got possession of this Croghan house and was going into it. Then there is a man named McDonnell on Dillon's of Clonapston.
 453. What other cottage is there unoccupied?—They are all occupied, but McDonnell does not live in that house. He is——
 454. The President.—What is the name of the other man?—Hughes.
 455. Has he land tillied without living in the house?—He has got possession of it a short time ago. I was talking to him about a month ago.
 456. How long is it built?—I could not say because I was not in the vicinity at the time.
 457. Mr. Clancy.—Was that house taken up only a month ago from the contractor?—About a month ago. I was talking to the man soon after, and he told me he was going in.
 458. With reference to this man who rents this cottage in another place, do you know why he does not live in the cottage?—He married this girl, Dillon, and there is some loggishness, and he is put in as caretaker until some settlement is made, but he intends living in it. I have that personally from himself.
 459. Mr. Justice Ross.—How long has he been living in this other house as a caretaker?—He has been living in it these years.
 460. For four or five years?—Yes.
 461. And the labourer's cottage is alongside for how long?—Not for very long.
 462. Mr. Clancy.—For how long?—I could not rightly say.
 463. Do you happen to know when it was completed?—I could not say that.
 Mr. Clancy.—It was only completed nine months ago. We expected to have the District Councilor here. He has not attended.

The President.—Having regard to the circumstances connected with those other cottages which could have been cleared up, and as the officials are not here to tell us anything about it, we cannot approve of this cottage. There does not seem by any means to be a satisfactory state of things.

Mr. Clancy.—It is very hard on the labourer considering that in the year 1900 a cottage was passed for him.

The President.—If it turned on the matter of his requiring a house it would be different, but it appears it does not.

Mr. Clancy.—At the present moment the evidence is——

The President.—That is not the ground of the view we have taken, not the state of the house.

Mr. Clancy.—At the present moment there is no vacant house.

The President.—That is what we are not clear about.

Mr. Seely.—I would ask for the usual order as to costs.

Mr. Clancy.—They did not raise these questions before.

The President.—Yes, they did. On page 16 of the evidence it was all gone into.

LABOURERS (IRELAND) ACTS.

RETURN to an Order of the Honourable The

House of Commons, dated 12th March,
1906, *per*

A RETURN giving (1) two or more examples of
Reports of Inspectors of the Local Govern-
ment Board in respect of local inquiries
held in the years 1904 and 1905, (2) two
or more examples of Reports taken by the
official note-takers of the proceedings on
petitions under the Acts to the Petty
Council.

(Mr. O'Shea.)

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